



---

# **CONSTITUTIONAL RIGHTS, CRIME VICTIM'S RIGHTS ACT *and* CRIME PREVENTION**

---

# **Constitutional Rights, Crime Victim's Rights Act *and* Crime Prevention**

## **Contents**

Michigan Constitution, Article I, Section 24 . . . . .	1
Crime Victim's Rights Act . . . . .	2
Processing a Criminal Case . . . . .	33
Michigan Sheriffs' Associations	
Victim Services Programs . . . . .	36
Victim Contacts for Michigan Counties . . . . .	37
Michigan State Police Posts . . . . .	41
Victim Assistance Groups . . . . .	43
Crime Prevention . . . . .	44
Criminal Sexual Conduct . . . . .	44
Safety From Rape . . . . .	44
Protection Of Property . . . . .	45
Con-Artists: Fraud . . . . .	46
Auto Theft . . . . .	46
Operation Identification . . . . .	46
Neighborhood Watch . . . . .	47
Arson . . . . .	48
Appendix . . . . .	49
Home Security Checklist . . . . .	51

Prepared by the Michigan Legislature

---

This information is provided free to Michigan citizens  
and is not for reproduction for resale or profit.

Back of Table of Contents Blank Page

# CONSTITUTION

## State of Michigan

### *Article I, Section 24*

Sec. 24. (1) Crime victims, as defined by law, shall have the following rights, as provided by law:

The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

The right to timely disposition of the case following arrest of the accused.

The right to be reasonably protected from the accused throughout the criminal justice process.

The right to notification of court proceedings.

The right to attend trial and all other court proceedings the accused has the right to attend.

The right to confer with the prosecution.

The right to make a statement to the court at sentencing.

The right to restitution.

The right to information about the conviction, sentence, imprisonment, and release of the accused.

(2) The legislature may provide by law for the enforcement of this section.

(3) The legislature may provide for an assessment against convicted defendants to pay for crime victims' rights.

---

*Introduced by: Rep. Wm. Van Regenmorter (House Joint Resolution P, 84th Legislature).*

*Approved by the House of Representatives, April 20, 1988.*

*Approved by the Senate, July 12, 1988.*

*Approved by the people of Michigan, November 8, 1988.*

*Effective date, December 24, 1988.*

# CRIME VICTIM'S RIGHTS ACT \*

## P.A. 87 of 1985

### M.C.L. 780.751 et al.

(Includes amendments)

Introduced by Rep. Van Regenmorter

AN ACT to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers' agents toward victims; and to provide for penalties and remedies.

*The People of the State of Michigan enact:*

## ARTICLE 1

### **MCL 780.751 Short title.**

Sec. 1. This act shall be known and may be cited as the "crime victim's rights act."

### **MCL 780.752 Definitions; designation of person to act in place of victim; privileges and rights.**

Sec. 2. (1) *Except as otherwise defined in this article*, as used in this article:

(a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622.

(b) "Crime" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony.

(c) "Defendant" means a person charged with or convicted of committing a crime against a victim.

(d) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of sentence by the court.

(e) "Juvenile" means a person within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.

(f) "Juvenile facility" means a county facility, institution operated as an agency of the county or the family division of circuit court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed or in which a juvenile is detained.

(g) "Person" means an individual, organization, partnership, corporation, or governmental entity.

(h) "Prisoner" means a person who has been convicted and sentenced to imprisonment or placement in a juvenile facility for having committed a crime or an act that would be a crime if committed by an adult against a victim.

(i) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, or a special prosecuting attorney.

(j) "Victim" means any of the following:

(i) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime, except as provided in subparagraph (ii), (iii), or (iv).

(ii) The following individuals other than the defendant if the victim is deceased:

(A) The spouse of the deceased victim.

(B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply.

(C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply.

(D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply.

(E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply.

(F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply.

(iii) A parent, guardian, or custodian of a victim who is less than 18 years of age *and who is neither the defendant nor incarcerated*, if the parent, guardian, or custodian so chooses.

(iv) A parent, guardian, or custodian of a victim who is mentally or emotionally unable to participate in the legal process *if he or she is neither the defendant nor incarcerated*.

(2) If a victim as defined in subsection (1)(j)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent, *or any other person 18 years of age or older who is neither the defendant nor incarcerated* to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

\* *Italicized language reflects amendments to the Act which became effective June 1, 2001.*

(3) *An individual who is charged with a crime arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article.*

(4) *An individual who is incarcerated is not eligible to exercise the privileges and rights established for victims under this article except that he or she may submit a written statement to the court for consideration at sentencing.*

**MCL 780.753 Information to be given victim.**

Sec. 3. Within 24 hours after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall give to the victim the following information in writing:

(a) The availability of emergency and medical services, if applicable.

(b) The availability of victim's compensation benefits and the address of the crime victims compensation board.

(c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.

(d) The following *statements*:

*"If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them."*

*"If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case."*

**MCL 780.754 Return of property to victim; retention of evidence.**

Sec. 4. (1) The law enforcement agency having responsibility for investigating a reported crime shall promptly return to the victim property belonging to that victim which is taken in the course of the investigation, except as provided in subsections (2) to (4).

(2) The agency shall not return property which is contraband.

(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.

(4) The agency shall retain as evidence any weapon used in the commission of the crime and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency.

**MCL 780.755 Victim to be given notice of availability of pretrial release, telephone number of sheriff or juvenile facility, and notice of right to contact sheriff or juvenile facility; revocation of bond or personal recognizance.**

Sec. 5. (1) Not later than 24 hours after the arraignment of the defendant for a crime, the law enforcement agency having responsibility for investigating the crime shall give to the victim notice of the availability of pretrial release for the defendant, the telephone number of the sheriff or juvenile facility, and notice that the victim may contact the sheriff or juvenile facility to

determine whether the defendant has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff or juvenile facility, the sheriff or juvenile facility shall notify the law enforcement agency having responsibility for investigating the crime.

(2) Based upon any credible evidence of acts or threats of physical violence or intimidation by the defendant or at the defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the bond or personal recognizance of a defendant be revoked.

**MCL 780.756 Notice to be given victim; consultation with prosecuting attorney; persons to be informed of victim's current address and telephone number.**

Sec. 6. (1) Not later than 7 days after the defendant's arraignment for a crime, but not less than 24 hours before a preliminary examination, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following:

(a) A brief statement of the procedural steps in the processing of a criminal case.

(b) A specific list of the rights and procedures under this article.

(c) *A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.*

(d) Details and eligibility requirements *for compensation from the crime victim services commission* under 1976 PA 223, MCL 18.351 to 18.368.

(e) Suggested procedures if the victim is subjected to threats or intimidation.

(f) The person to contact for further information.

(2) If the victim requests, the prosecuting attorney shall give the victim notice of any scheduled court proceedings and any changes in that schedule.

(3) Before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the victim's views about the disposition of the prosecution for the crime, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs.

(4) A victim who receives a notice under subsection (1) and who chooses to receive any notice or *exercise any right* under this article shall keep the following persons informed of the victim's current address and telephone number:

(a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later.

(b) The department of corrections or the sheriff as the prosecuting attorney directs if the defendant is imprisoned.

(c) The family independence agency or county juvenile agency as the prosecuting attorney directs if the defendant is held in a juvenile facility.

**MCL 780.757 Waiting area for victim or other safeguards.**

Sec. 7. The court shall provide a waiting area for the victim separate from the defendant, defendant's relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with defendant, defendant's relatives, and defense witnesses during court proceedings.

**MCL 780.758 Motion not to compel testimony of victim or other witness; hearing; address and phone number of victim not to be in court file or documents; exemption from disclosure; exception.**

Sec. 8. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the defendant or at defendant's direction against the victim or the victim's immediate family, the *prosecuting attorney* may move that the victim or any other witness not be compelled to testify at pretrial proceedings or at trial for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion shall be in camera.

(2) The *work address* and address of the victim shall not be in the court file or ordinary court documents unless contained in a transcript of the trial or it is used to identify the place of the crime. The *work telephone number* and *telephone number* of the victim shall not be in the court file or ordinary court documents except as contained in a transcript of the trial.

(3) Pursuant to section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, all of the following information and visual representations of a victim are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:

(a) The home address, home telephone number, work address, and work telephone number of the victim unless the address is used to identify the place of the crime.

(b) A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim.

(4) Subsection (3) shall not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services.

**MCL 780.759 Speedy trial; requirements; hearing; notice; time of trial.**

Sec. 9. (1) As provided in subsection (2), a speedy trial may be scheduled for any case in which the victim is declared by the prosecuting attorney to be any of the following:

(a) A victim of child abuse, including sexual abuse or any other assaultive crime.

(b) A victim of criminal sexual conduct in the first, second, or third degree or of an assault with intent to commit criminal sexual conduct involving penetration or to commit criminal sexual conduct in the second degree.

(c) Sixty-five years of age or older.

(d) An individual with a disability that inhibits the individual's ability to attend court or participate in the proceedings.

(2) The chief judge, upon motion of the prosecuting attorney for a speedy trial for a case described in subsection (1), shall set a hearing date within 14 days of the date of the filing of the motion. Notice shall be made pursuant to the Michigan court rules. If the motion is granted, the trial shall not be scheduled earlier than 21 days from the date of the hearing.

**MCL 780.760 Conference with victim by prosecuting attorney.**

Sec. 10. Upon request of the victim, the prosecuting attorney shall confer with the victim prior to the selection of the jury and prior to the trial of the defendant.

**MCL 780.761 Presence of victim at trial; sequestering victim.**

Sec. 11. The victim has the right to be present throughout the entire trial of the defendant, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court may, for good cause shown, order the victim to be sequestered until the victim first testifies. *The victim shall not be sequestered after he or she first testifies.*

**MCL 780.762 Discharge or discipline of victim or victim representative by employer or employer's agent as misdemeanor; penalty; "victim representative" defined.**

Sec. 12. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment, or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(3) As used in this section, "victim representative" means any of the following:

(a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age.

(b) A parent, guardian, or custodian of a victim of an assaultive crime if the victim of the assaultive crime is less than 18 years of age.

(c) A person who has been designated under section 2(2) to act in place of a victim of an assaultive crime during the duration of the victim's physical or emotional disability.



**MCL 780.763 Notice to be given victim by prosecuting attorney; means; contents of impact statement.**

Sec. 13. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:

- (a) The defendant's conviction.
- (b) The crimes for which the defendant was convicted.
- (c) The victim's right to make a written or oral impact statement for use in the preparation of a presentence investigation report concerning the defendant.
- (d) The address and telephone number of the probation office which is to prepare the presentence investigation report.
- (e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court.
- (f) The victim's right to make an impact statement at sentencing.
- (g) The time and place of the sentencing proceeding.
- (2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice.
- (3) A notice given under subsection (1) shall inform the victim that his or her impact statement may include but shall not be limited to the following:
  - (a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.
  - (b) An explanation of the extent of any economic loss or property damage suffered by the victim.
  - (c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.
  - (d) The victim's recommendation for an appropriate sentence.

**MCL 780.763a Providing victim with form to receive certain notices.**

Sec. 13a. When a defendant is sentenced to a term of imprisonment or ordered to be placed in a juvenile facility, the prosecuting attorney shall provide the victim with a form the victim may submit to receive the notices provided for under section 19, 20, or 20a. The form shall include the address of the department of corrections, the sheriff, the family independence agency, or the county juvenile agency, as applicable, to which the form may be sent.

**MCL 780.764 Impact statement generally.**

Sec. 14. The victim has the right to submit or make a written or oral impact statement to the probation officer for use by that officer in preparing a presentence investigation report concerning the defendant pursuant to section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.14. A victim's written statement shall upon the victim's request, be included in the presentence investigation report.

**MCL 780.765 Oral impact statement at sentencing.**

Sec. 15. The victim *has* the right to appear and make an oral impact statement at the sentencing of the defendant. *If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney.*

**MCL 780.766 "Victim" defined; order of restitution generally; order of restitution as condition of probation or parole; revocation of probation or parole; petition to modify payment method; lien; enforcement; failure to pay restitution; payment by parent of juvenile; review; report; compliance; copy of order to department of corrections; disposition of unclaimed restitution.**

Sec. 16. (1) For purposes of this section only, "victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime. For purposes of subsections (2), (3), (6), (8), (9), and (13), victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of a crime.

(2) Except as provided in subsection (8), when sentencing a defendant convicted of a crime, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate.

(3) If a crime results in damage to or loss or destruction of property of a victim of the crime or results in the seizure or impoundment of property of a victim of the crime, the order of restitution may require that the defendant do 1 or more of the following, as applicable:

(a) Return the property to the owner of the property or to a person designated by the owner.

(b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned:

(i) The value of the property on the date of the damage, loss, or destruction.

(ii) The value of the property on the date of sentencing.

(c) Pay the costs of the seizure or impoundment, or both.

(4) If a crime results in physical or psychological injury to a victim, the order of restitution may require that the defendant do 1 or more of the following, as applicable:

(a) Pay an amount equal to the *reasonably determined* cost of medical and related professional services and devices *actually incurred and reasonably expected to be incurred* relating to physical and psychological care.

(b) Pay an amount equal to the *reasonably determined* cost of physical and occupational therapy and rehabilitation *actually incurred and reasonably expected to be incurred*.



(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the crime.

(d) Pay an amount equal to the *reasonably determined* cost of psychological and medical treatment for members of the victim's family *actually incurred and reasonably expected to be incurred* as a result of the crime.

(e) Pay an amount equal to the *reasonably determined* costs of homemaking and child care expenses *actually incurred and reasonably expected to be incurred* as a result of the crime *or, if homemaking or child care is provided without compensation by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the crime for that homemaking and child care, based on the rates in the area for comparable services.*

(f) Pay an amount equal to the cost of actual funeral and related services.

(g) *If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent.*

(5) *If a crime resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following:*

- (a) *Loss of a limb or use of a limb.*
- (b) *Loss of a hand or foot or use of a hand or foot.*
- (c) *Loss of an eye or use of an eye or ear.*
- (d) *Loss or substantial impairment of a bodily function.*
- (e) *Serious visible disfigurement.*
- (f) *A comatose state that lasts for more than 3 days.*
- (g) *Measurable brain damage or mental impairment.*
- (h) *A skull fracture or other serious bone fracture.*
- (i) *Subdural hemorrhage or subdural hematoma.*
- (j) *Loss of a body organ.*

(6) If the victim or victim's estate consents, the order of restitution may require that the defendant make restitution in services in lieu of money.

(7) If the victim is deceased, the court shall order that the restitution be made to the victim's estate.

(8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the crime. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity

under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action.

(9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section.

(10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the defendant make restitution under this section within a specified period or in specified installments.

(11) If the defendant is placed on probation or paroled or the court imposes a conditional sentence as provided in section 3 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.3, any restitution ordered under this section shall be a condition of that probation, parole, or sentence. The court may revoke probation or impose imprisonment under the conditional sentence and the parole board may revoke parole if the defendant fails to comply with the order and if the defendant has not made a good faith effort to comply with the order. In determining whether to revoke probation or parole or impose imprisonment, the court or parole board shall consider the defendant's employment status, earning ability, and financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay.

(12) A defendant who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the sentencing judge or his or her successor to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the defendant or his or her immediate family, *and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim*, the court may modify the method of payment.

(13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the defendant for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien.

(14) Notwithstanding any other provision of this section, a defendant shall not be imprisoned, jailed, or incarcerated for a violation of probation or parole or otherwise for failure to pay restitution as ordered under this section unless the court or parole board determines that the defendant has the resources to pay the ordered restitution and has not made a good faith effort to do so.

(15) *If the court determines that a juvenile is or will be unable to pay all of the restitution ordered, after notice to the*

juvenile's parent or parents and an opportunity for the parent or parents to be heard the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the acts upon which an order of restitution is based to pay any portion of the restitution ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay restitution as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection:

(a) "Juvenile" means a person within the court's jurisdiction under section 2d or 4 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d and 712A.4.

(b) "Parent" does not include a foster parent.

(16) If the court orders a parent to pay restitution under subsection (15), the court shall take into account the parent's financial resources and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations the parent may have. If a parent is required to pay restitution under subsection (15), the court shall provide for payment to be made in specified installments and within a specified period of time.

(17) A parent who has been ordered to pay restitution under subsection (15) may petition the court for a modification of the amount of restitution owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim.

(18) In each case in which payment of restitution is ordered as a condition of probation, the court may order any employed defendant to execute a wage assignment to pay the restitution. The probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the probation officer assigned to the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted not less than 60 days before the probationary period expires. If the probation officer determines at any review that restitution is not being paid as ordered, the probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office or shall petition the court for a probation violation. The report or petition shall include a statement of the amount of the arrearage and any reasons for the arrearage known by the probation officer. The probation officer shall immediately provide a copy of the report or petition to the prosecuting attorney. If a petition or motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance.

(19) If a defendant who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of

restitution to the department of corrections when the defendant is remanded to the department's jurisdiction.

(20) The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution.

(21) If a person or entity entitled to restitution cannot be located or refuses to claim that restitution within 2 years after the date on which he or she could have claimed the restitution, the restitution paid to that person or entity shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity.

#### **MCL 780.766a Fines, costs, and assessments or payments other than victim payments; allocation of payments.**

Sec. 16a. (1) If a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments shall be allocated as provided in this section.

(2) Except as otherwise provided in this subsection, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that person shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied toward payment of those victim payments.

(3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority:

(a) Payment of costs.

(b) Payment of fines.

(c) Payment of probation or parole supervision fees.

(d) Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss.

(4) *In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority:*

(a) *Payment of fines and costs.*

(b) *Payment of assessments and other payments.*

(5) *As used in this section, "victim payment" means restitution ordered to be paid to the victim, to the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905.*

**MCL 780.767 Amount of restitution; order; consideration; order to obtain information; disclosures; resolving dispute as to amount and type of restitution.**

Sec. 17. (1) In determining the amount of restitution to order under section 16, the court shall consider the amount of the loss sustained by any victim as a result of the offense.

(2) The court may order the probation officer to obtain information pertaining to the amounts of loss described in subsection (1). The probation officer shall include the information collected in the presentence investigation report or in a separate report, as the court directs.

(3) The court shall disclose to both the defendant and the prosecuting attorney all portions of the presentence or other report pertaining to the matters described in subsection (1).

(4) Any dispute as to the proper amount or type of restitution shall be resolved by the court by a preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the prosecuting attorney.

**MCL 780.768 Sale of recollections, thoughts, and feelings of convicted person; proceeds to be held in escrow; disposition of proceeds.**

Sec. 18. (1) A person convicted of a crime shall not derive any profit from the sale of his or her recollections, thoughts, and feelings with regard to the offense committed by that person until the victim receives any restitution or compensation ordered for him or her against the defendant and expenses of incarceration are recovered as provided in subsection (3) and until the escrow account created under subsection (2) is terminated under subsection (4).

(2) Upon the conviction of a defendant for a crime involving a victim, and after notice to any interested party, an attorney for the county in which the conviction occurred or the attorney general may petition the court in which the conviction occurred to order that defendant forfeit all or any part of proceeds received or to be received by the defendant, or the defendant's representatives or assignees, from contracts relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment as provided in this section. The proceeds shall be held in escrow for a period of not more than 5 years.

(3) During the existence of the escrow account, proceeds in the account shall be distributed in the following priority to satisfy the following:

(a) An order of restitution entered under sections 16 and 17.

(b) Any civil judgment in favor of the victim against that defendant.

(c) Any reimbursement ordered under the prisoner reimbursement to the county act, Act No. 118 of the Public Acts of 1984, being sections 801.81 to 801.93 of the Michigan Compiled Laws, or ordered under the state correctional facility reimbursement act, Act No. 253 of the Public Acts of 1935, being sections 800.401 to 800.406 of the Michigan Compiled Laws.

(4) The balance remaining in the escrow account at the end of the escrow period shall be paid to the crime victim's rights assessment fund.

**MCL 780.768a Notice to victim; explanation of appeal process; rights of victim if conviction reversed.**

Sec. 18a. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

(a) That the defendant filed an appeal of his or her conviction *or sentence or that the prosecuting attorney filed an appeal.*

(b) Whether the defendant has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the defendant has been ordered released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(c) The time and place of any appellate court proceedings and any changes in the time or place of those proceedings.

(d) The result of the appeal. If the conviction is ordered reversed, *the sentence is vacated*, the case is remanded for a new trial, *or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice.* The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice.

(3) Upon the request of the victim, the prosecuting attorney shall provide the victim with a brief explanation in plain English of the appeal process, including the possible dispositions.

(4) If the case is returned to the trial court for further proceedings *or a new trial*, the victim *has* the same rights as previously requested during the proceedings *that* led to the appeal.



**MCL 780.769 Request for notice by victim; exemption of victim's address and telephone number from disclosure.**

Sec. 19. (1) Upon the *victim's* written request, the sheriff or the department of corrections shall mail to the victim the following, as applicable, about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff or the department for *the crime against that victim*:

(a) Within 30 days after the request, notice of the sheriff's calculation of the *prisoner's* earliest release date or the department's calculation of the *prisoner's* earliest parole eligibility date, with all potential good time or disciplinary credits considered, if the sentence of imprisonment exceeds 90 days. The victim may request 1-time only notice of the calculation described in this subdivision.

(b) Notice of the *prisoner's* transfer or pending transfer to a minimum security facility and the *facility's* address.

(c) Notice of the *prisoner's* release or pending release in a community residential program or under furlough; any other transfer to community status; *any transfer from 1 community residential program or electronic monitoring program to another; or any transfer from a community residential program or electronic monitoring program to a state correctional facility.*

(d) Notice of the escape of the person accused, convicted, or imprisoned for committing a crime against the victim, as provided in section 20.

(e) Notice of the victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole, as provided in section 21.

(f) Notice of the decision of the parole board, or any other panel having authority over the prisoner's release on parole, after a parole review, as provided in section 21(3).

(g) Notice of the release of a prisoner 90 days before the date of the prisoner's discharge from prison, unless the notice has been otherwise provided under this article.

(h) Notice of a public hearing under section 44 of 1953 PA 232, MCL 791.244, regarding a reprieve, commutation, or pardon of the prisoner's sentence by the governor.

(i) Notice that a reprieve, commutation, or pardon has been granted.

(j) Notice that a prisoner has had his or her name legally changed while on parole or within 2 years *after* release from parole.

(k) *Notice that a prisoner has been convicted of a new crime.*

(l) *Notice that a prisoner has been returned from parole status to a correctional facility due to an alleged violation of the conditions of his or her parole.*

(2) A victim's address and telephone number maintained by a sheriff or the department of corrections *upon* a request for notice under subsection (1) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**MCL 780.770 Notice of escape.**

Sec. 20. (1) As provided in subsection (2) or (3), a victim who requests notice of the escape and the prosecuting attorney

who is prosecuting or has prosecuted the crime for which the person is detained or under sentence shall be given immediate notice of the escape of the person accused, convicted, or imprisoned for committing a crime against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice.

(2) If the escape occurs before the sentence is executed or before the defendant is delivered to the department of corrections, the chief law enforcement officer of the agency in charge of the person's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice.

(3) If the defendant is confined pursuant to a sentence, the notice shall be given by the chief administrator of the place in which the prisoner is confined.

**MCL 780.770a Notice to victim by family independence agency or county juvenile agency; escape by juvenile.**

Sec. 20a. (1) Upon a victim's written request, the *family independence agency or county juvenile agency, as applicable*, shall make a good faith effort to notify the victim before either of the following occurs:

(a) A juvenile is dismissed from court jurisdiction or discharged from *commitment to the family independence agency or county juvenile agency*.

(b) A juvenile is transferred from a secure juvenile facility to a nonsecure juvenile facility.

(2) If the *family independence agency or county juvenile agency* is not successful in notifying the victim before an event described in subsection (1) occurs, *it* shall notify the victim as soon as possible after *that event occurs* by any means reasonably calculated to give prompt actual notice.

(3) Upon the victim's written request, the *family independence agency or county juvenile agency, as applicable*, shall give to the victim notice of a juvenile's escape. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice. If the escape occurs before the juvenile is delivered to the *family independence agency or county juvenile agency*, the agency in charge of the juvenile's detention shall give notice of the escape to the *family independence agency or county juvenile agency*, which shall then give notice of the escape to the victim who requested notice.

**MCL 780.770b Notice of review hearing.**

Sec. 20b. Upon the victim's request, the prosecuting attorney shall give the victim notice of a review hearing conducted pursuant to section 1b of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.1b of the Michigan Compiled Laws. The victim has the right to make a statement at the hearing, submit a written statement for use at the hearing, or both.

**MCL 780.771 Right of victim to address or submit statement to parole board or other panel; notice of pending review and victim's rights; representation of counsel; notice.**

Sec. 21. (1) A victim shall have the right to address or submit a written statement for consideration by a parole board member

or a member of any other panel having authority over the prisoner's release on parole.

(2) Not less than 30 days before a review of the prisoner's release, a victim who has requested notice under section 19(1)(f) shall be given written notice by the department of corrections informing the victim of the pending review and of victims' rights under this section. The victim, at his or her own expense, may be represented by counsel at the review.

(3) A victim shall receive notice of the decision of the board or panel and, if applicable, notice of the date of the prisoner's release on parole. Notice shall be mailed within a reasonable time after the board or panel reaches its decision but not later than 14 days after the board or panel has reached its decision. *The notice shall include a statement of the victim's right to appeal a parole decision, as allowed under section 34(9) of 1953 PA 232, MCL 791.234.*

#### **MCL 780.772 Notice of final disposition of case.**

Sec. 22. Upon the request of a victim, the prosecuting attorney shall, within 30 days of the final disposition of the case, notify the victim in writing of the final disposition of the case.

#### **MCL 780.772a Notice to victim of defendant's application to have conviction for assaultive crime set aside; "assaultive crime" defined.**

Sec. 22a. If a defendant applies to have a conviction for an assaultive crime set aside under Act No. 213 of the Public Acts of 1965, being sections 780.621 to 780.624 of the Michigan Compiled Laws, and if the name of the victim is known by the prosecuting attorney, the prosecuting attorney shall give to the victim of the assaultive crime written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under Act No. 213 of the Public Acts of 1965 concerning that conviction and make a written or oral statement. As used in this section, "assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 770.9a of the Michigan Compiled Laws.

#### **MCL 780.773 Cause of action not created.**

Sec. 23. Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, a municipality or any of their agencies, or instrumentalities, or employees.

#### **MCL 780.774 Failure to provide right, privilege, or notice to victim.**

Sec. 24. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside.

#### **MCL 780.775 Effective date of article; applicability.**

Sec. 25. (1) This article shall take effect October 9, 1985.

(2) This article shall apply only to crimes committed on or after October 9, 1985.

## **ARTICLE 2**

### **MCL 780.781 Definitions; designation of person to act in place of victim; rights and privileges.**

Sec. 31. (1) *Except as otherwise defined in this article, as used in this article:*

(a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622.

(b) "Court" means the family division of circuit court.

(c) "Designated case" means a case designated as a case in which the juvenile is to be tried in the same manner as an adult under section 2d of chapter XIII of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

(d) "Juvenile" means an individual alleged or found to be within the court's jurisdiction under section 2(a)(1) of chapter XIII of the probate code of 1939, 1939 PA 288, MCL 712A.2, for an offense, including, but not limited to, an individual in a designated case.

(e) "Juvenile facility" means a county facility, an institution operated as an agency of the county or the court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed or in which a juvenile is detained.

(f) "Offense" means 1 or more of the following:

(i) A violation of a penal law of this state for which a juvenile offender, if convicted as an adult, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony.

(ii) A violation of section 81 (*assault and battery, including domestic violence*), 81a (*assault; infliction of serious injury, including aggravated domestic violence*), 115 (*breaking and entering or illegal entry*), 136b(5) (*child abuse in the fourth degree*), 145a (*enticing a child for immoral purposes*), 234 (*discharge of a firearm intentionally aimed at a person*), 235 (*discharge of an intentionally aimed firearm resulting in injury*), 335a (*indecent exposure*), or 411h (*stalking*) of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145a, 750.234, 750.235, 750.335a, and 750.411h.

(iii) A violation of section 617a (*leaving the scene of a personal injury accident*) of the Michigan vehicle code, 1949 PA 300, MCL 257.617a, or a violation of section 625 (*operating a vehicle while under the influence of or impaired by intoxicating liquor or a controlled substance, or with unlawful blood alcohol content*) of that act, MCL 257.625, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to another individual.

(iv) Selling or furnishing alcoholic liquor to an individual less than 21 years of age in violation of section 33 of the former 1933 (Ex Sess) PA 8, or section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in physical injury or death to any individual.

(v) A violation of section 80176(1) or (3) (*operating a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with unlawful blood alcohol content*) of the natural resources and environmental protection

act, 1994 PA 451, MCL 324.80176, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to any individual.

(vi) A violation of a local ordinance substantially corresponding to a law enumerated in subparagraphs (i) to (v).

(vii) A violation described in subparagraphs (i) to (vi) that is subsequently reduced to a violation not included in subparagraphs (i) to (vi).

(g) "Person" means an individual, organization, partnership, corporation, or governmental entity.

(h) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(i) "Victim" means any of the following:

(i) A person who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of an offense, except as provided in subparagraph (ii), (iii), or (iv).

(ii) The following individuals other than the juvenile if the victim is deceased:

(A) The spouse of the deceased victim.

(B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply.

(C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply.

(D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply.

(E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply.

(F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply.

(iii) A parent, guardian, or custodian of a victim who is less than 18 years of age *and who is neither the defendant nor incarcerated*, if the parent, guardian, or custodian so chooses.

(iv) A parent, guardian, or custodian of a victim who is mentally or emotionally unable to participate in the legal process *if he or she is neither the defendant nor incarcerated*.

(2) If a victim as defined in subsection (1)(h)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent, *or any other person 18 years of age or older who is neither the defendant nor incarcerated* to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

(3) *An individual who is charged with an offense arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article.*

## **MCL 780.782 Information to be given victim.**

Sec. 32. Within 24 hours after the initial contact between the victim of a reported offense and the law enforcement agency having the responsibility for investigating that offense, that agency shall give to the victim the following information in writing:

(a) The availability of emergency and medical services, if applicable.

(b) The availability of victim's compensation benefits and the address of the crime victims compensation board.

(c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.

(d) The following *statements*:

*"If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them."*

*"If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case."*

## **MCL 780.783 Return of property to victim.**

Sec. 33. (1) The law enforcement agency having responsibility for investigating a reported offense shall promptly return to the victim property belonging to that victim that is taken in the course of the investigation, except as provided in subsections (2) to (4).

(2) The agency shall not return property that is contraband.

(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.

(4) The agency shall retain as evidence any weapon used in the commission of the offense and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency.

## **MCL 780.783a Statement on complaint or petition.**

Sec. 33a. The investigating agency or prosecuting attorney that files a complaint or submits a petition seeking to invoke the court's jurisdiction for a juvenile offense described in section 31(1)(d)(iii), (iv), or (v), or a local ordinance substantially corresponding to a juvenile offense described in section 31(1)(d)(iii), (iv), or (v), shall place a statement on the complaint or petition that the offense resulted in damage to another individual's property or physical injury or death to another individual.

## **MCL 780.784 Separate statement.**

Sec. 34. The investigating agency that files a complaint or submits a petition seeking to invoke the court's jurisdiction for a juvenile offense shall file with the complaint or petition a separate statement listing any known victims of the juvenile offense and their addresses and phone numbers. This separate statement shall not be a matter of public record.



**780.785 Victim to be given telephone number of juvenile facility and notice of release; motion to detain juvenile in facility.**

Sec. 35. (1) If the juvenile has been placed in a juvenile facility, not later than 48 hours after the preliminary hearing of that juvenile for a juvenile offense, the prosecuting attorney or, pursuant to an agreement under section 48a, the court shall give to the victim the telephone number of the juvenile facility and notice that the victim may contact the juvenile facility to determine whether the juvenile has been released from custody. *The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the juvenile, or both, if the victim requests or has requested that information. If the juvenile is released from custody by the sheriff or juvenile facility, the sheriff or juvenile facility shall notify the law enforcement agency having responsibility for investigating the crime.*

(2) Based upon any credible evidence of acts or threats of physical violence or intimidation by the juvenile or at the juvenile's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the juvenile be detained in a juvenile facility.

**MCL 780.786 Court jurisdiction; notices to victim; consultation with prosecuting attorney; persons to be informed of victim's current address and telephone number.**

Sec. 36. (1) *The court shall accept a petition submitted by a prosecuting attorney that seeks to invoke the court's jurisdiction for a juvenile offense, unless the court finds on the record that the petitioner's allegations are insufficient to support a claim of jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.*

(2) Within 72 hours after the prosecuting attorney files or submits a petition seeking to invoke the court's jurisdiction for an offense, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall give to each victim a written notice in plain English of each of the following:

(a) A brief statement of the procedural steps in processing a juvenile case, including the fact that a juvenile may be *tried in the same manner as an adult in a designated case* or waived to the court of general criminal jurisdiction.

(b) A specific list of the rights and procedures under this article.

(c) *A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.*

(d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368.

(e) Suggested procedures if the victim is subjected to threats or intimidation.

(f) The person to contact for further information.

(3) If the victim requests, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall give the victim notice of any scheduled court proceedings and any changes in that schedule.

(4) If the juvenile has not already entered a plea of admission or no contest to the original charge at the preliminary hearing, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the victim's views about the disposition of the offense, including the victim's views about dismissal, waiver, and pretrial diversion programs, before finalizing any agreement to reduce the original charge.

(5) A victim who receives a notice under subsection (1) and chooses to receive any notice *or exercise any right* under this article shall keep the following persons informed of the victim's current address and telephone number:

(a) The prosecuting attorney, or the court if an agreement under section 48a exists.

(b) If the juvenile is made a public ward, the family independence agency or county juvenile agency, as applicable.

(c) *If the juvenile is imprisoned, the department of corrections or the sheriff as directed by the prosecuting attorney.*

**MCL 780.786a Speedy trial.**

Sec. 36a. (1) As provided in subsection (2), a speedy trial may be scheduled for any case in which the victim is declared by the prosecuting attorney to be any of the following:

(a) A victim of child abuse, including sexual abuse or any other assaultive crime.

(b) A victim of criminal sexual conduct in the first, second, or third degree or of an assault with intent to commit criminal sexual conduct involving penetration or to commit criminal sexual conduct in the second degree.

(c) Sixty-five years of age or older.

(d) An individual with a disability that inhibits the individual's ability to attend court or participate in the proceedings.

(2) The court, upon motion of the prosecuting attorney for a speedy trial for a case described in subsection (1), shall set a hearing date within 14 days after the motion is filed. Notice shall be made pursuant to the Michigan court rules. If the motion is granted, the trial shall not be scheduled earlier than 21 days from the date of the hearing.

**MCL 780.786b Removal of case from adjudicative process; notice required; hearing; consultation of victim with prosecuting attorney.**

Sec. 36b. (1) *Except for a dismissal based upon a judicial finding on the record that the petition and the facts supporting it are insufficient to support a claim of jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, a case involving the alleged commission of an offense, as defined in section 31, by a juvenile shall not be diverted, placed on the consent calendar, or made subject to any other prepetition or preadjudication procedure that removes the case from the adjudicative process unless the court gives written notice to the prosecuting attorney of the court's intent to remove the case from the adjudicative process and allows the prosecuting attorney the opportunity to address the court on that issue before the case is removed from the adjudicative process. Before any formal or informal action is taken, the prosecutor shall give the victim notice of the time and place of the hearing on the proposed removal of the case from the adjudicative process. The*

*victim has the right to attend the hearing and to address the court at the hearing. As part of any other order removing any case from the adjudicative process, the court shall order the juvenile or the juvenile's parents to provide full restitution as provided in section 44.*

*(2) Before finalizing any informal disposition, preadjudication, or expedited procedure, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about that manner of disposing of the case.*

**MCL 780.787 Separate waiting area; other safeguards.**

Sec. 37. The court shall provide a waiting area for the victim separate from the juvenile, the juvenile's relatives, and the juvenile's witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with the juvenile, the juvenile's relatives, and the juvenile's witnesses during court proceedings.

**MCL 780.788 Testimony not to be compelled; hearing; exemption from disclosure; exception.**

Sec. 38. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the juvenile or at the juvenile's direction against the victim or the victim's immediate family, the prosecuting attorney may move or, in the absence of a prosecuting attorney, the victim may request that the victim or any other witness not be compelled to testify at any court hearing for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion shall be in camera.

*(2) Pursuant to section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, all of the following information and visual representations of a victim are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:*

*(a) The home address, home telephone number, work address, and work telephone number of the victim.*

*(b) A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim.*

*(3) Subsection (2) shall not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services.*

**MCL 780.789 Presence of victim at hearing; sequestering of victim.**

Sec. 39. The victim has the right to be present throughout the entire contested adjudicative hearing or waiver hearing of the juvenile, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court, for good cause shown, may order the victim to be sequestered until the victim first testifies. *The victim shall not be sequestered after he or she first testifies.*

**MCL 780.790 Discharge or discipline of victim or victim representative by employer or employer's agent; misdemeanor; contempt; "victim representative" defined.**

Sec. 40. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(3) As used in this section, "victim representative" means any of the following:

(a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age.

(b) A parent, guardian, or custodian of a victim of an offense that if committed by an adult would be an assaultive crime if the victim of the offense is less than 18 years of age.

(c) A person who has been designated under section 31(2) to act in place of a victim of an offense that if committed by an adult would be an assaultive crime during the duration of the victim's physical or emotional disability.

**MCL 780.791 Additional notices to victim.**

Sec. 41. (1) The prosecuting attorney, or, pursuant to an agreement under section 48a, the court, upon and in accordance with the request of the victim, shall give the victim notice of all of the following:

(a) The offenses for which the juvenile was adjudicated or convicted.

(b) The victim's right to make an impact statement at the disposition hearing or sentencing.

(c) The time and place of the disposition or sentencing proceeding.

(2) If a report is to be prepared for the juvenile's disposition or for a sentencing in a proceeding that is a designated case, the person preparing the report shall give notice to the victim of all of the following:

(a) The victim's right to make an impact statement for use in preparing the report.

(b) The address and telephone number of the person who is to prepare the report.

(c) *The fact that the report and any statement of the victim included in the report will be made available to the juvenile unless exempted from disclosure by the court.*

(3) A notice under *subsection (1) or (2)* shall inform the victim that his or her impact statement may *be oral or written and may include*, but shall not be limited to, *any of the following*:

(a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.

(b) An explanation of the extent of any economic loss or property damage suffered by the victim.

(c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.

(d) The victim's recommendation for an appropriate disposition *or sentence*.

#### **MCL 780.791a Providing victim with form to receive certain notices.**

Sec. 41a. When a juvenile is ordered to be placed in a juvenile facility *or sentenced to a term of imprisonment*, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall provide the victim with a form the victim may submit to receive the notices from the family independence agency or county juvenile agency, as applicable, provided for under section 48. The form shall include the address of the family independence agency, county juvenile agency, *department of corrections, or the sheriff, as applicable*, to which the form may be sent.

#### **MCL 780.792 Report; impact statement.**

Sec. 42. (1) If a report *is to be prepared for the juvenile's disposition or for a sentencing in a proceeding that is a designated case*, the victim *has the right to submit a written or oral impact statement to the person preparing the report for that person's use in preparing the report*.

(2) *If no presentence report is prepared, the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the disposition or sentencing.*

(3) Upon the victim's request, a victim's written statement *under this section* shall be included in the report.

#### **MCL 780.793 Appearance and statement of victim; notice of disposition.**

Sec. 43. (1) The victim *has the right to appear and make an oral impact statement at the juvenile's disposition or sentencing. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney.*

(2) Upon request, the victim shall be notified by the prosecuting attorney, or, pursuant to an agreement under section 48a, the court of the disposition of the juvenile's offense not more than 30 days after the disposition is made.

#### **MCL 780.794 Definitions; order of restitution to be made by juvenile.**

Sec. 44. (1) For purposes of this section only:

(a) "Offense" means a violation of a penal law of this state or a violation of an ordinance of a local unit of government of this state punishable by imprisonment or by a fine that is not a civil fine.

(b) "Victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of an offense. For purposes of subsections (2), (3), (6), (8), (9), and (13), victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of an offense.

(2) Except as provided in subsection (8), at the dispositional hearing *or sentencing* for an offense, the court shall order, in addition to or in lieu of any other disposition *or penalty* authorized by law, that the juvenile make full restitution to any victim of the juvenile's course of conduct that gives rise to the disposition *or conviction* or to the victim's estate. *For an offense that is resolved informally by means of a consent calendar diversion or any other informal method that does not result in a dispositional hearing, the court shall order the restitution required under this section.*

(3) If an offense results in damage to or loss or destruction of property of a victim of the offense or results in the seizure or impoundment of property of a victim of the offense, the order of restitution may require that the juvenile do 1 or more of the following, as applicable:

(a) Return the property to the owner of the property or to a person designated by the owner.

(b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned:

(i) The value of the property on the date of the damage, loss, or destruction.

(ii) The value of the property on the date of disposition.

(c) Pay the costs of the seizure or impoundment, or both.

(4) If an offense results in physical or psychological injury to a victim, the order of restitution may require that the juvenile do 1 or more of the following, as applicable:

(a) Pay an amount equal to the *reasonably determined* cost of medical and related professional services and devices *actually incurred and reasonably expected to be incurred* relating to physical and psychological care.

(b) Pay an amount equal to the *reasonably determined* cost of physical and occupational therapy and rehabilitation *actually incurred and reasonably expected to be incurred*.

(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the offense.

(d) Pay an amount equal to the *reasonably determined* cost of psychological and medical treatment for members of the victim's family *actually incurred or reasonably expected to be incurred* as a result of the offense.

(e) Pay an amount equal to the *reasonably determined* costs of homemaking and child care expenses *actually incurred or reasonably expected to be incurred* as a result of the offense *or, if homemaking or child care is provided without compensation*



by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the offense for that homemaking and child care, based on the rates in the area for comparable services.

(f) Pay an amount equal to the cost of actual funeral and related services.

(g) If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent.

(5) If an offense resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following:

- (a) Loss of a limb or use of a limb.
- (b) Loss of a hand or foot or use of a hand or foot.
- (c) Loss of an eye or use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain damage or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.
- (j) Loss of a body organ.

(6) If the victim or victim's estate consents, the order of restitution may require that the juvenile make restitution in services in lieu of money.

(7) If the victim is deceased, the court shall order that the restitution be made to the victim's estate.

(8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the offense. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action.

(9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount payable to a victim or a victim's estate by

an award from the crime victim services commission made after an order of restitution under this section.

(10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the juvenile make restitution under this section within a specified period or in specified installments.

(11) If the juvenile is placed on probation, any restitution ordered under this section shall be a condition of that probation. The court may revoke probation if the juvenile fails to comply with the order and if the juvenile has not made a good faith effort to comply with the order. In determining whether to revoke probation, the court shall consider the juvenile's employment status, earning ability, and financial resources, the willfulness of the juvenile's failure to pay, and any other special circumstances that may have a bearing on the juvenile's ability to pay.

(12) A juvenile who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the court to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the juvenile or his or her immediate family, and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim, the court may modify the method of payment.

(13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the individual ordered to pay restitution for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien.

(14) Notwithstanding any other provision of this section, a juvenile shall not be detained or imprisoned for a violation of probation or parole or otherwise for failure to pay restitution as ordered under this section unless the court determines that the juvenile has the resources to pay the ordered restitution and has not made a good faith effort to do so.

(15) If the court determines that the juvenile is or will be unable to pay all of the restitution ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the acts upon which an order of restitution is based to pay any portion of the restitution ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay restitution as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection, "parent" does not include a foster parent.

(16) If the court orders a parent to pay restitution under subsection (15), the court shall take into account the parent's financial resources and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations the parent may have. If a parent is required to pay restitution under subsection (15), the court shall provide for payment to be made in specified installments and within a specified period of time.

(17) A parent who has been ordered to pay restitution under subsection (15) may petition the court for a modification of the amount of restitution owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent *and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim.*

(18) In each case in which payment of restitution is ordered as a condition of probation, *the court may order any employed juvenile to execute a wage assignment to pay the restitution. The juvenile caseworker or probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the juvenile caseworker or probation officer assigned to the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted not less than 60 days before the probationary period expires. If the juvenile caseworker or probation officer determines at any review the restitution is not being paid as ordered, the juvenile caseworker or probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office or shall petition the court for a probation violation. The report or petition shall include a statement of the amount of the arrearage, and any reasons for the arrearage known by the juvenile caseworker or probation officer. The juvenile caseworker or probation officer shall immediately provide a copy of the report or petition to the prosecuting attorney. If a petition or motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance.*

(19) If the court determines that an individual who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the court determines that the individual is remanded to the department's jurisdiction.

(20) *The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution.*

(21) *If a person or entity entitled to restitution cannot be located or refuses to claim that restitution within 2 years after the date on which he or she could have claimed the restitution, the restitution paid to that person or entity shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity.*

#### **MCL 780.794a Allocation of payments from juveniles.**

*Sec. 44a. (1) If a juvenile is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that juvenile for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments shall be allocated as provided in this section.*

*(2) Except as otherwise provided in this subsection, if a juvenile is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that juvenile shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied toward payment of those victim payments.*

*(3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority:*

*(a) Payment of costs.*

*(b) Payment of fines.*

*(c) Payment of probation or parole supervision fees.*

*(d) Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss.*

*(4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority:*

*(a) Payment of fines and costs.*

*(b) Payment of assessments and other payments.*

*(5) As used in this section, "victim payment" means restitution ordered to be paid to the victim, to the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905.*

#### **MCL 780.795 Factors in determining order of restitution by juvenile.**

*Sec. 45. (1) In determining the amount of restitution to order under section 44, the court shall consider the amount of the loss sustained by any victim as a result of the offense. In determining whether to order the juvenile's supervisory parent to pay restitution under section 44(15), the court shall consider the financial resources of the juvenile's supervisory parent and the other factors specified in section 44(16).*

*(2) The court may order the person preparing a report for the purpose of disposition to obtain information pertaining to the*

factors set forth in subsection (1). That person shall include the information collected in the disposition report or in a separate report, as the court directs.

(3) The court shall disclose to the juvenile, the juvenile's supervisory parent, and the prosecuting attorney all portions of the disposition or other report pertaining to the matters described in subsection (1).

(4) Any dispute as to the proper amount or type of restitution shall be resolved by the court by a preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the prosecuting attorney. The burden of demonstrating the financial resources of the juvenile's supervisory parent and the other factors specified in section 44(16) shall be on the supervisory parent.

**MCL 780.796 Additional notice to victim; rights of victim in further proceedings or new trial.**

Sec. 46. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

(a) That the juvenile filed an appeal of his or her adjudication, *conviction, disposition, or sentence or the prosecuting attorney filed an appeal.*

(b) Whether the juvenile has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the juvenile has been ordered released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(c) The time and place of any appellate court proceedings and any changes in the time or place of those proceedings.

(d) The result of the appeal. If the disposition *or conviction* is ordered reversed, *the sentence is vacated*, the case is remanded for *a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice.* The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice.

(3) Upon the request of the victim, the prosecuting attorney shall provide the victim with a brief explanation in plain English of the appeal process, including the possible dispositions.

(4) *If the case is returned to the court for further proceedings or a new trial, the victim has the same rights as previously requested during the proceedings that led to the appeal.*

**MCL 780.796a Notice to victim of juvenile's application to have conviction or adjudication for certain offenses set aside; "assaultive crime" and "serious misdemeanor" defined.**

Sec. 46a. (1) If a juvenile applies to have *a conviction for an assaultive crime or serious misdemeanor or an adjudication for an offense that if committed by an adult would be an assaultive crime or a serious misdemeanor set aside* under section 18e of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18e, *and the prosecuting attorney knows the victim's name*, the prosecuting attorney shall give the victim of the offense written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under section 18e of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18e, concerning that adjudication and make a written or oral statement.

(2) As used in this section:

(a) "Assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

(b) "Serious misdemeanor" means that term as defined in section 61.

**MCL 780.797 Profit from sale of recollections, thoughts, and feelings with regard to offense; juvenile offense; forfeiture; escrow; distribution of proceeds.**

Sec. 47. (1) A juvenile adjudicated for an offense shall not derive any profit from the sale of his or her recollections, thoughts, and feelings with regard to the offense committed by that juvenile until the victim receives any restitution or compensation ordered for him or her against the juvenile and expenses of detention are recovered as provided in subsection (3) and until the escrow account created under subsection (2) is terminated under subsection (4).

(2) Upon the disposition of a juvenile offense involving a victim, and after notice to any interested party, an attorney for the county in which the disposition occurred or the attorney general may petition the court in which the disposition occurred to order that juvenile forfeit all or any part of proceeds received or to be received by the juvenile, or the juvenile's representatives or assignees, from contracts relating to the depiction of the offense or the juvenile's recollections, thoughts, or feelings about the offense, in books, magazines, media entertainment, or live entertainment, as provided in this section. The proceeds shall be held in escrow for a period of not more than 5 years.

(3) During the existence of the escrow account, proceeds in the account shall be distributed in the following priority to satisfy the following:

(a) An order of restitution entered under sections 44 and 45.

(b) Any civil judgment in favor of the victim against that juvenile.

(c) Any reimbursement for detention ordered under section 18 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws.



(4) The balance remaining in the escrow account at the end of the escrow period shall be paid to the crime victim's rights assessment fund.

**MCL 780.798 Notice to victim by court, family independence agency or county juvenile agency, and prosecuting attorney.**

Sec. 48. (1) Upon the victim's written request, the court or the family independence agency or county juvenile agency, as applicable, shall make a good faith effort to notify the victim before any of the following occurs:

(a) The juvenile is dismissed from court jurisdiction or discharged from commitment to the family independence agency or county juvenile agency.

(b) The juvenile is transferred from a juvenile facility to any other juvenile facility.

(c) The juvenile has his or her name legally changed while under the court's jurisdiction or within 2 years after discharge from the court's jurisdiction.

*(d) The juvenile is detained for having committed an act which, if committed by an adult, would be a criminal violation.*

(2) If the court, family independence agency, or county juvenile agency is not successful in notifying the victim before an event described in subsection (1)(a), (b), or (c) occurs, it shall notify the victim as soon as possible after that event occurs.

(3) Upon the victim's written request, the family independence agency, county juvenile agency, or court shall give to the victim notice of a juvenile's escape from a secure detention or treatment facility. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice.

*(4) Upon the victim's written request, the sheriff or the department of corrections shall mail to the victim the following, as applicable, about a juvenile who has been sentenced to imprisonment under the jurisdiction of the sheriff or the department for the offense against that victim:*

*(a) Within 30 days after the request, notice of the sheriff's calculation of the juvenile's earliest release date or the department's calculation of the juvenile's earliest parole eligibility, with all potential good time or disciplinary credits considered, if the sentence of imprisonment exceeds 90 days. The victim may request 1-time only notice of the calculation described in this subdivision.*

*(b) Notice of the juvenile's transfer or pending transfer to a minimum security facility and the facility's address.*

*(c) Notice of the juvenile's release or pending release in a community residential program, under furlough, or any other transfer to community status; any transfer from 1 community residential program or electronic monitoring program to another; or any transfer from a community residential program or electronic monitoring program to a state correctional facility.*

*(d) Notice of the escape of the juvenile accused, convicted, or imprisoned for committing an offense against the victim.*

*(e) Notice of the victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the juvenile's release on parole.*

*(f) Notice of the decision of the parole board, or any other panel having authority over the juvenile's release on parole, after a parole review.*

*(g) Notice of the release of a juvenile 90 days before the date of the juvenile's discharge from prison, unless the notice has been otherwise provided under this article.*

*(h) Notice of a public hearing under section 44 of 1953 PA 232, MCL 791.244, regarding a reprieve, commutation, or pardon of the juvenile's sentence by the governor.*

*(i) Notice that a reprieve, commutation, or pardon has been granted.*

*(j) Notice that a juvenile has had his or her name legally changed while on parole or within 2 years after release from parole.*

(5) A victim's address and telephone number maintained by a sheriff or the department of corrections upon a request for notice under subsection (4) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(6) As provided in subsection (7) or (8), a victim who requests notice of the escape and the prosecuting attorney who filed the petition alleging the offense for which the juvenile is accused, detained, or under sentence shall be given immediate notice of the juvenile's escape. The notice shall be given by any means reasonably calculated to give prompt actual notice.

(7) If the escape occurs before the sentence is executed or before the juvenile is delivered to the family independence agency, county juvenile agency, sheriff, or the department of corrections, the person in charge of the agency in charge of the juvenile's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice.

(8) If the juvenile is confined under sentence, the notice of escape shall be given to the victim and the prosecuting attorney by the chief administrator of the place in which the juvenile is confined.

(9) Upon the victim's request, the prosecuting attorney shall give the victim notice of a review hearing conducted under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18. The victim has the right to make a statement at the hearing or submit a written statement for use at the hearing, or both.

**MCL 780.798a Notification by court.**

Sec. 48a. The court may perform the notification functions delegated to the prosecuting attorney under this article if both of the following circumstances exist:

(a) The prosecuting attorney allows the court to perform those functions pursuant to a written agreement.

(b) The court performed those functions before the effective date of the amendatory act that added this section.

**MCL 780.799 Providing victim with certified copy of order of adjudicative hearing.**

Sec. 49. If requested, a victim shall be provided with a certified copy of the order of an adjudicative hearing for purposes of obtaining relief pursuant to section 2913 of the

revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2913 of the Michigan Compiled Laws.

**MCL 780.800 Cause of action for money damages against state or local government not created.**

Sec. 50. Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, or a municipality or any of their agencies, instrumentalities, or employees.

**MCL 780.801 Effect of failure to provide right, privilege, or notice to victim.**

Sec. 51. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the juvenile to seek to have any proceeding set aside.

**MCL 780.802 Effective date of article; applicability.**

Sec. 52. (1) This article shall take effect June 1, 1988.

(2) This article shall apply only to offenses committed on or after June 1, 1988.

## ARTICLE 3

**MCL 780.811 Definitions; physical or emotional inability of victim to exercise rights and privileges; ineligibility to exercise privileges and rights.**

Sec. 61. (1) *Except as otherwise defined in this article, as used in this article:*

(a) "Serious misdemeanor" means 1 or more of the following:

(i) A violation of section 81 of the Michigan penal code, 1931 PA 328, MCL 750.81, assault and battery, *including domestic violence*.

(ii) A violation of section 81a of the Michigan penal code, 1931 PA 328, MCL 750.81a, assault; infliction of serious injury, *including aggravated domestic violence*.

(iii) A violation of section 115 of the Michigan penal code, 1931 PA 328, MCL 750.115, breaking and entering or illegal entry.

(iv) A violation of section 136b(6) of the Michigan penal code, 1931 PA 328, MCL 750.136b, child abuse in the fourth degree.

(v) A violation of section 145a of the Michigan penal code, 1931 PA 328, MCL 750.145a, enticing a child for immoral purposes.

(vi) A violation of section 234 of the Michigan penal code, 1931 PA 328, MCL 750.234, discharge of a firearm intentionally aimed at a person.

(vii) A violation of section 235 of the Michigan penal code, 1931 PA 328, MCL 750.235, discharge of an intentionally aimed firearm resulting in injury.

(viii) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure.

(ix) A violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a, leaving the scene of a personal injury accident.

(x) A violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625, operating a vehicle while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to another individual.

(xi) Selling or furnishing alcoholic liquor to an individual less than 21 years of age in violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in physical injury or death to any individual.

(xii) A violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h, stalking.

(xiii) A violation of section 80176(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, operating a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to any individual.

(xiv) A violation of a local ordinance substantially corresponding to a violation enumerated in subparagraphs (i) to (xiii).

(xv) A violation charged as a crime or serious misdemeanor enumerated in subparagraphs (i) to (xiv) but subsequently reduced to or pleaded to as a misdemeanor. As used in this subparagraph, "crime" means that term as defined in section 2.

(b) "Defendant" means a person charged with or convicted of having committed a serious misdemeanor against a victim.

(c) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of a sentence by the court.

(d) "Person" means an individual, organization, partnership, corporation, or governmental entity.

(e) "Prisoner" means a person who has been convicted and sentenced to imprisonment for having committed a serious misdemeanor against a victim.

(f) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(g) "Victim" means any of the following:

(i) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a serious misdemeanor, except as provided in subparagraph (ii), (iii), or (iv).

(ii) The following individuals other than the defendant if the victim is deceased:

(A) The spouse of the deceased victim.

(B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply.

(C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply.

(D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply.

(E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply.

(F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply.

(iii) A parent, guardian, or custodian of a victim who is less than 18 years of age *and who is neither the defendant nor incarcerated*, if the parent, guardian, or custodian so chooses.

(iv) A parent, guardian, or custodian of a victim who is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process *if he or she is not the defendant and is not incarcerated*.

(2) If a victim as defined in subsection (1)(g)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, or grandparent *or any other person 18 years of age or older who is neither the defendant nor incarcerated* to act in *his or her* place while the physical or emotional disability *continues*. The victim shall provide the prosecuting attorney with the name of the person who is to act in place of the victim. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

(3) An individual who is charged with a serious misdemeanor, a crime as defined in section 2, *or an offense as defined in section 31* arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article.

(4) *An individual who is incarcerated is not eligible to exercise the privileges and rights established for victims under this article except that he or she may submit a written statement to the court for consideration at sentencing.*

#### **MCL 780.811a Statement of property damage, physical injury, or death.**

Sec. 61a. A law enforcement officer or prosecuting attorney who files with the court a complaint, appearance ticket, traffic citation, or other charging instrument regarding a serious misdemeanor described in section 61(1)(a)(x), (xi), or (xiii), or a local ordinance substantially corresponding to a serious misdemeanor described in section 61(1)(a)(x), (xi), or (xiii), shall place a statement on the complaint, appearance ticket, traffic citation, or other charging instrument that the offense resulted in damage to another individual's property or physical injury or death to another individual.

#### **MCL 780.812 Separate written statement.**

Sec. 62. A law enforcement officer investigating a serious misdemeanor involving a victim shall include with the complaint, appearance ticket, or traffic citation filed with the court a separate written statement including the name, address, and phone number of each victim. This separate statement shall not be a matter of public record.

#### **MCL 780.813 Information to be given victim of serious misdemeanor.**

Sec. 63. (1) Within 24 hours after the initial contact between the victim of a reported serious misdemeanor and the law enforcement agency having the responsibility for investigating that serious misdemeanor, that agency shall give to the victim the following information in writing:

(a) The availability of emergency and medical services, if applicable.

(b) The availability of victim's compensation benefits and the address of the crime victims compensation board.

(c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.

(d) The following *statements*:

*"If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them."*

*"If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case."*

*(2) If the case against the defendant is brought under a local ordinance, the law enforcement agency having responsibility for investigating the serious misdemeanor shall give to the victim the name and business address of the local prosecuting attorney for the political subdivision responsible for prosecuting the case along with the following statement:*

*"The defendant in your case will be prosecuted under a local ordinance, rather than a state statute. Nonetheless, you have all the rights and privileges afforded to victims under the state constitution and the state crime victim's rights act."*

#### **MCL 780.813a Revocation of bond or personal recognizance.**

Sec. 63a. Based upon any credible evidence of acts or threats of physical violence or intimidation by the defendant or at the defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the bond or personal recognizance of a defendant be revoked.

#### **MCL 780.814 Return of property to victim; exceptions.**

Sec. 64. (1) The law enforcement agency having responsibility for investigating a reported serious misdemeanor shall promptly return to the victim property belonging to that victim which is taken in the course of the investigation, except as provided in subsections (2) to (4).

(2) The agency shall not return property which is contraband.

(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.

(4) The agency shall retain as evidence any weapon used in the commission of the serious misdemeanor and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency.



**MCL 780.815 Victim to be given notice of availability of pretrial release, phone number of sheriff, and notice of right to contact sheriff; revocation of bond or personal recognizance.**

Sec. 65. (1) Not later than 72 hours after the arrest of the defendant for a serious misdemeanor, the law enforcement agency having responsibility for investigating the serious misdemeanor shall give to the victim notice of the availability of pretrial release for the defendant, the phone number of the sheriff, and notice that the victim may contact the sheriff to determine whether the defendant has been released from custody. *The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff, the sheriff shall notify the law enforcement agency having responsibility for investigating the crime.*

(2) If the victim submits an affidavit asserting acts or threats of physical violence or intimidation by the defendant or at the defendant's direction against the victim or the victim's immediate family, the prosecuting attorney, based on the victim's affidavit, may move that the bond or personal recognizance of a defendant be revoked.

**MCL 780.816 Notice to prosecuting attorney and to victim; consultation by victim with prosecuting attorney; dismissal of case; keeping prosecuting attorney and sheriff informed of victim's current address and telephone number.**

Sec. 66. (1) If a plea of guilty or nolo contendere is accepted by the court at the time of the arraignment of the defendant for a serious misdemeanor, the court shall notify the prosecuting attorney of the plea and the date of sentencing within 48 hours after the arraignment. If no guilty or nolo contendere plea is accepted at the arraignment and further proceedings will be scheduled, the court shall so notify the prosecuting attorney within 48 hours after the arraignment. A notice to the prosecuting attorney under this subsection shall be on a separate form and shall include the name, address, and telephone number of the victim. The notice shall not be a matter of public record. Within 48 hours after receiving this notice, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following:

- (a) A brief statement of the procedural steps in the processing of a misdemeanor case, including pretrial conferences.
- (b) A specific list of the rights and procedures under this article.
- (c) *A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.*
- (d) *Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368.*
- (e) *Suggested procedures if the victim is subjected to threats or intimidation.*
- (f) *The person to contact for further information.*

(2) If requested by the victim, the prosecuting attorney shall give to the victim notice of any scheduled court proceedings and notice of any changes in that schedule.

(3) If the defendant has not already entered a plea of guilty or nolo contendere at the arraignment, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the serious misdemeanor, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion.

(4) If the case against the defendant is dismissed at any time, the prosecuting attorney shall notify the victim of the dismissal within 48 hours.

(5) A victim who receives a notice under subsection (1) or (2) and who chooses to receive any notice or *exercise any right* under this article shall keep the following persons informed of the victim's current address and telephone number:

- (a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later.
- (b) The sheriff, if the defendant is imprisoned for more than 92 days.

**MCL 780.817 Separate waiting area for victim; safeguards.**

Sec. 67. The court shall provide a waiting area for the victim separate from the defendant, defendant's relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with defendant, defendant's relatives, and defense witnesses during court proceedings.

**MCL 780.818 Testimony of victim or other witness; consent of victim; exemption from disclosure; exception.**

Sec. 68. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the defendant or at defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the victim or any other witness not be compelled to testify at pretrial proceedings or at trial for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion shall be in camera.

(2) *Pursuant to section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, all of the following information and visual representations of a victim are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:*

- (a) *The home address, home telephone number, work address, and work telephone number of the victim.*
- (b) *A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim.*
- (3) *Subsection (2) shall not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services.*

**MCL 780.819 Expedited trial.**

Sec. 69. An expedited trial may be scheduled for any case in which the victim is averred by the prosecuting attorney to be a child.

**MCL 780.820 Conference prior to trial.**

Sec. 70. Upon request of the victim, the prosecuting attorney shall confer with the victim prior to the trial of the defendant.

**MCL 780.821 Right of victim to be present at trial; sequestering of victim.**

Sec. 71. The victim has the right to be present throughout the entire trial of the defendant, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court may, for good cause shown, order the victim to be sequestered until the victim first testifies. *The victim shall not be sequestered after he or she first testifies.*

**MCL 780.822 Discharge or discipline of victim or victim representative by employer or employer's agent as misdemeanor; penalty; "victim representative" defined.**

Sec. 72. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment, or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(3) As used in this section, "victim representative" means any of the following:

(a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age.

(b) A parent, guardian, or custodian of a victim of an assaultive serious misdemeanor if the victim of the assaultive serious misdemeanor is less than 18 years of age.

(c) A person who has been designated under section 61(2) to act in place of a victim of an assaultive serious misdemeanor during the duration of the victim's physical or emotional disability.

**MCL 780.823 Additional notice to victim; means; contents of impact statement.**

Sec. 73. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:

(a) The defendant's conviction.

(b) The offenses for which the defendant was convicted.

(c) If a presentence investigation report is to be prepared, the victim's right to make a written or oral impact statement for use in the preparation of the presentence investigation report concerning the defendant.

(d) The address and telephone number of the probation office which is to prepare the presentence investigation report.

(e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court.

(f) The victim's right to make an impact statement at sentencing.

(g) The time and place of the sentencing proceeding.

(2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice.

(3) A notice given under subsection (1) shall inform the victim that his or her impact statement may include but shall not be limited to the following:

(a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.

(b) An explanation of the extent of any economic loss or property damage suffered by the victim.

(c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.

(d) The victim's recommendation for an appropriate sentence.

**MCL 780.824 Preparation of presentence investigation report; written or oral impact statement; inclusion of statement in presentence investigation report.**

Sec. 74. If a presentence investigation report concerning the defendant is prepared, the victim has the right to submit or make a written or oral impact statement to the probation officer for use by that officer in preparing the report pursuant to section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.14. A victim's written statement shall, upon the victim's request, be included in the presentence investigation report.

**MCL 780.825 Notice of sentencing; impact statement.**

Sec. 75. If no presentence report is prepared, the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the sentencing. The victim *has* the right to submit a written impact statement and *has* the right to appear and make an oral impact statement at the sentencing of the defendant. *If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney.* The court shall consider the victim's statement in imposing sentence on the defendant.

**MCL 780.826 Definitions; restitution by defendant convicted of misdemeanor.**

Sec. 76. (1) For purposes of this section only:

(a) "Misdemeanor" means a violation of a law of this state or a local ordinance that is punishable by imprisonment for not more than 1 year or a fine that is not a civil fine, but that is not a felony.

(b) "Victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a misdemeanor. For purposes of subsections (2), (3), (6), (8), (9), and (13), victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of a misdemeanor.

(2) Except as provided in subsection (8), when sentencing a defendant convicted of a misdemeanor, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate.

(3) If a misdemeanor results in damage to or loss or destruction of property of a victim of the misdemeanor or results in the seizure or impoundment of property of a victim of the misdemeanor, the order of restitution may require that the defendant do 1 or more of the following, as applicable:

(a) Return the property to the owner of the property or to a person designated by the owner.

(b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned:

(i) The value of the property on the date of the damage, loss, or destruction.

(ii) The value of the property on the date of sentencing.

(c) Pay the costs of the seizure or impoundment, or both.

(4) If a misdemeanor results in physical or psychological injury to a victim, the order of restitution may require that the defendant do 1 or more of the following, as applicable:

(a) Pay an amount equal to the *reasonably determined* cost of medical and related professional services and devices *actually incurred and reasonably expected to be incurred* relating to physical and psychological care.

(b) Pay an amount equal to the *reasonably determined* cost of physical and occupational therapy and rehabilitation *actually incurred and reasonably expected to be incurred*.

(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the misdemeanor.

(d) Pay an amount equal to the *reasonably determined* cost of psychological and medical treatment for members of the victim's family *actually incurred and reasonably expected to be incurred* as a result of the misdemeanor.

(e) Pay an amount equal to the *reasonably determined* costs of homemaking and child care expenses *actually incurred and*

*reasonably expected to be incurred* as a result of the misdemeanor or, if homemaking or child care is provided without compensation by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the misdemeanor for that homemaking and child care, based on the rates in the area for comparable services.

(f) Pay an amount equal to the cost of actual funeral and related services.

(g) If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent.

(5) If a crime resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following:

(a) Loss of a limb or use of a limb.

(b) Loss of a hand or foot or use of a hand or foot.

(c) Loss of an eye or use of an eye or ear.

(d) Loss or substantial impairment of a bodily function.

(e) Serious visible disfigurement.

(f) A comatose state that lasts for more than 3 days.

(g) Measurable brain damage or mental impairment.

(h) A skull fracture or other serious bone fracture.

(i) Subdural hemorrhage or subdural hematoma.

(j) Loss of a body organ.

(6) If the victim or victim's estate consents, the order of restitution may require that the defendant make restitution in services in lieu of money.

(7) If the victim is deceased, the court shall order that the restitution be made to the victim's estate.

(8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the misdemeanor. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action.

(9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall



reduce the amount payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section.

(10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the defendant make restitution under this section within a specified period or in specified installments.

(11) If the defendant is placed on probation or the court imposes a conditional sentence as provided in section 3 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.3, any restitution ordered under this section shall be a condition of that probation or sentence. The court may revoke probation or impose imprisonment under the conditional sentence if the defendant fails to comply with the order and if the defendant has not made a good faith effort to comply with the order. In determining whether to revoke probation or impose imprisonment, the court shall consider the defendant's employment status, earning ability, and financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay.

(12) A defendant who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the sentencing judge or his or her successor to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the defendant or his or her immediate family, *and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim*, the court may modify the method of payment.

(13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the defendant for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive restitution in the same manner as a judgment in a civil action or a lien.

(14) Notwithstanding any other provision of this section, a defendant shall not be imprisoned, jailed, or incarcerated for a violation of probation or otherwise for failure to pay restitution as ordered under this section unless the court determines that the defendant has the resources to pay the ordered restitution and has not made a good faith effort to do so.

(15) In each case in which payment of restitution is ordered as a condition of probation, *the court may order any employed defendant to execute a wage assignment to pay the restitution. The probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the probation officer assigned to the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full.* The final review shall be conducted not less than 60 days before the probationary period expires. If the probation officer determines at any review that restitution is not being paid as ordered, the probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative

office *or shall petition the court for a probation violation.* The report *or petition* shall include a statement of the amount of the arrearage and any reasons for the arrearage known by the probation officer. The probation officer shall immediately provide a copy of the report *or petition* to the prosecuting attorney. If a *petition or* motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance.

(16) If the court determines that a defendant who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the court determines that the defendant is remanded to the department's jurisdiction.

(17) *The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution.*

(18) *If a person or entity entitled to restitution cannot be located or refuses to claim that restitution within 2 years after the date on which he or she could have claimed the restitution, the restitution paid to that person or entity shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity.*

#### **MCL 780.826a Allocation of payments.**

*Sec. 76a. (1) If a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments shall be allocated as provided in this section.*

(2) *Except as otherwise provided in this subsection, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that person shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied toward payment of those victim payments.*

(3) *In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority:*

(a) *Payment of costs.*

(b) *Payment of fines.*

(c) *Payment of probation or parole supervision fees.*

(d) *Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss.*

(4) *In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority:*

(a) *Payment of fines and costs.*

(b) *Payment of assessments and other payments.*

(5) *As used in this section, "victim payment" means restitution ordered to be paid to the victim, to the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905.*

#### **MCL 780.827 Notice of final disposition of case.**

Sec. 77. Upon the request of a victim, the prosecuting attorney shall, within 30 days after the final disposition of the case, notify the victim in writing of the final disposition of the case.

#### **MCL 780.827a Notice to victim of defendant's application to have conviction for serious misdemeanor set aside.**

Sec. 77a. If a defendant applies to have a conviction for a serious misdemeanor set aside under Act No. 213 of the Public Acts of 1965, being sections 780.621 to 780.624 of the Michigan Compiled Laws, and if the name of the victim is known by the prosecuting attorney, the prosecuting attorney shall give to the victim of the serious misdemeanor written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under Act No. 213 of the Public Acts of 1965 concerning that conviction and make a written or oral statement.

#### **MCL 780.828 Additional notice to victim; further proceedings or new trial.**

Sec. 78. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

(a) That the defendant filed an appeal of his or her conviction or sentence or that the prosecuting attorney filed an appeal.

(b) Whether the defendant has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the defendant has been ordered released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(c) The time and place of any appellate court proceedings and any changes in the time or place of those proceedings.

(d) The result of the appeal. If the conviction is ordered reversed, *the sentence is vacated*, the case is remanded for a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice. The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice.

(3) Upon the request of the victim, the prosecuting attorney shall provide the victim with a brief explanation in plain English of the appeal process, including the possible dispositions.

(4) If the case is returned to the trial court for further proceedings or a new trial, the victim has the same rights as previously requested during the proceedings that led to the appeal.

#### **MCL 780.828a Information to be mailed to victim of serious misdemeanor; form to receive notices.**

Sec. 78a. (1) Upon the written request of a victim of a serious misdemeanor, the sheriff shall mail to the victim the following, as applicable, about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff for commission of that serious misdemeanor:

(a) Within 30 days after the request, notice of the sheriff's calculation of the earliest release date of the prisoner, with all potential good time or disciplinary credits considered if the sentence of imprisonment exceeds 90 days. The victim may request 1-time only notice of the calculation described in this subdivision.

(b) Notice that a prisoner has had his or her name legally changed while imprisoned in the county jail or within 2 years of release from the county jail.

(c) *Notice that the prisoner has been placed on day parole or work release.*

(2) When a defendant is sentenced to a term of imprisonment, the prosecuting attorney shall provide the victim with a form the victim may submit to receive the notices provided for under this section or section 78b. The form shall include the address of the sheriff's department to which the form may be sent.

#### **MCL 780.828b Notice of escape.**

Sec. 78b. (1) As provided in subsection (2) or (3), a victim who requests notice of the escape and the prosecuting attorney who is prosecuting or has prosecuted the serious misdemeanor for which the person is detained or under sentence shall be given immediate notice of the escape of the person accused, convicted, or imprisoned for committing a serious misdemeanor against the

victim. The notice shall be given by any means reasonably calculated to give prompt actual notice.

(2) If the escape occurs before the sentence is executed or before the defendant is delivered to the sheriff, the chief law enforcement officer of the agency in charge of the person's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice.

(3) If the defendant is confined pursuant to a sentence, the notice shall be given by the chief administrator of the place in which the prisoner is confined.

**MCL 780.829 Notice of release of defendant; written request.**

Sec. 79. (1) Upon the written request of the victim, the sheriff shall notify the victim of the earliest possible release date of the defendant if the defendant is sentenced to more than 92 days' imprisonment.

(2) The victim's written request for notice under this section shall include the victim's address.

**MCL 780.830 Exemption of victim's address and telephone number from disclosure.**

Sec. 80. A victim's address and telephone number maintained by a court or a sheriff pursuant to this article is exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**MCL 780.831 Profit from sale of recollections, thoughts, and feelings of person convicted; misdemeanor; forfeiture; escrow account; distribution of proceeds.**

Sec. 81. (1) A person convicted of a serious misdemeanor shall not derive any profit from the sale of his or her recollections, thoughts, and feelings with regard to the offense committed by that person until the victim receives any restitution or compensation ordered for him or her against the defendant and expenses of incarceration are recovered as provided in subsection (3) and until the escrow account created under subsection (2) is terminated under subsection (4).

(2) Upon the conviction of a defendant for a serious misdemeanor involving a victim, and after notice to any interested party, an attorney for the county in which the conviction occurred

or the attorney general may petition the court in which the conviction occurred to order that defendant forfeit all or any part of proceeds received or to be received by the defendant, or the defendant's representatives or assignees, from contracts relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment, as provided in this section. The proceeds shall be held in escrow for a period of not more than 5 years.

(3) During the existence of the escrow account, proceeds in the account shall be distributed in the following priority to satisfy the following:

(a) An order of restitution entered under section 76.

(b) Any civil judgment in favor of the victim against that defendant.

(c) Any reimbursement ordered under the prisoner reimbursement to the county act, Act No. 118 of the Public Acts of 1984, being sections 801.81 to 801.93 of the Michigan Compiled Laws, or ordered under the state correctional facility reimbursement act, Act No. 253 of the Public Acts of 1935, being sections 800.401 to 800.406 of the Michigan Compiled Laws.

(4) The balance remaining in the escrow account at the end of the escrow period shall be paid to the crime victim's rights assessment fund.

**MCL 780.832 No cause of action against state or local government.**

Sec. 82. Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, a municipality or any of their agencies, instrumentalities, or employees.

**MCL 780.833 Failure to provide right, privilege, or notice to victim.**

Sec. 83. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside.

**MCL 780.834 Effective date of article; applicability.**

Sec. 84. (1) This article shall take effect June 1, 1988.

(2) This article shall apply only to misdemeanors committed on or after June 1, 1988.

# S U M M A R Y \*

## P.A. 87, 1985 Crime Victim's Rights Act

### ARTICLE 1

(Applies to victims of felonies and 2-year misdemeanors.)

**Section 2.** Definition of crime includes felonies and 2-year misdemeanors:

- Various definitions.
- Prisoners, inmates have limited rights.

**Section 3.** Within 24 hours law enforcement agency provides victim with following information in writing:

- Emergency services.
- Victim's compensation details.
- Victim's rights contact in prosecutor's office.
- Who to contact if no arrest.

**Section 4.** Law enforcement agency:

- Returns victim's property promptly.
- May take photos so evidence property can be returned.

**Section 5.** Law enforcement:

- Provides notice of arrest and availability of pretrial release.
- Provides method for victim to know if defendant is released from custody before trial.
- Bond revocation procedure if victim provides any credible evidence of acts or threats of physical violence or intimidation.

**Section 6.** Prosecutor notifies victim in plain English of:

- A specific list of the rights and procedures under this article.
- Statement of the court process.
- Victim's compensation details.
- Threat and intimidation information and procedures for protection.
- Schedule of court proceedings and changes.
- Consultation about disposition of case, including plea bargaining, dismissal, or pretrial diversion program, before negotiations are finalized.
- Address requirement.

**Section 7.** Court to provide separate waiting area for victim separate from defendant or defense witnesses.

**Section 8.** Confidentiality of victim's address, place of employment, telephone number, etc.

**Section 9.** Speedy trial for:

- Child abuse.
- Criminal sexual conduct cases.

### Section 9. (cont.)

- Victims age 65 years or older.
- Victims with a disability that inhibits participation in court.
- Time limits for hearing/trial.

**Section 10.** Upon request, victim confers with prosecutor prior to jury selection and trial.

**Section 11.** Right of victim to be present at trial.

**Section 12.** Victim and "victim representative" protection from employer discipline for required court appearances.

**Section 13.** Notice to victim of:

- Conviction.
- Crimes of conviction.
- Right to presentence report impact statement and notice statement may be available to defendant.
- Right to impact statement at sentencing.
- Time and place of sentence.
- Detail of impact statement.

**Section 13a.** Right to notification form (for sections 19, 20 and 20a) after defendant is sentenced.

**Section 14.** Presentence victim impact statement.

**Section 15.** Right to impact statement at sentencing.

- Victim may choose another person to make their statement.

**Section 16.** Restitution:

- Require court to order restitution, subject to due process, to eligible individuals, businesses, and governmental agencies.
- Property return or restoration.
- Cost of physical or psychological care, including costs reasonably expected to be incurred.
- Loss of income.
- Cost of psychological and medical treatment for members of the victim's family that has been incurred as a result of the offense.
- Cost of actual and volunteer homemaking and child care expenses.
- Cost of seizure or impoundment of vehicle.
- Funeral expenses.
- Cost of lost tax credits/deductions for minors.
- Up to triple restitution if death or serious impairment occurs.



**Section 16.** (*cont.*)

- Services in lieu of money.
- Time limits.
- Restitution as a condition of probation or parole.
- Enforcement of restitution, including wage assignment.
- If defendant is placed on probation, require probation officer to review restitution order/payments.
- No court fee for enforcing a restitution order.

**Section 16a.** Priority of payments for restitution, fines, costs, etc., when defendant makes a payment.

**Section 17.** Court consideration in determining restitution.

**Section 18.** “Son of Sam” requirement provides for profits from crime story in escrow for 5 years.

Proceeds to be used for:

- Restitution to the victim.
- Satisfying civil judgment against defendant in favor of victim.
- Payment for room and board in jail or prison.
- Balance, if any, split between the state and defendant’s family.

**Section 18a.** Upon written request, notice to victim of:

- Appeal.
- Defendant’s release on bail pending appeal. (Requires prosecutor to notify victim within 24 hours after prosecutor receives order.)
- Explanation of appeal procedure.
- Time and place.
- Result of appeal. (Remand, reversal, sentence is vacated, or a new trial ordered requires prosecutor to notify victim within 24 hours after prosecutor is notified of order.)

**Section 19.** Notice to victim of:

- Earliest projected prison release date.
- Transfer to minimum security.
- Release to community program.
- Transfers between community programs.
- Escape.
- Parole board hearing.
- Decision of parole board.
- Release or discharge.
- Return from community to prison.

**Section 20.** Requirement that victim and prosecutor receive notice of escape.

**Section 20a.** Upon victim’s written request, the county juvenile agency or the FIA (if juvenile is ward of state) notifies victim of:

- Juvenile’s dismissal or discharge from jurisdiction.

**Section 20a.** (*cont.*)

- Juvenile’s transfer to nonsecure facility.
- Escape.

**Section 20b.** Upon victim’s request, prosecutor provides victim with notice of disposition review hearings for juvenile offenders.

**Section 21.** Right to address parole board.

**Section 22.** Notice of final disposition.

**Section 22a.** Notice to victim of expungement motion for assaultive crimes.

**ARTICLE 2**

**Section 31.** Definition of offense includes felonies, 2-year misdemeanors and the following misdemeanors:

- Assault and battery.
- Assault with infliction of serious injury.
- Breaking and entering or illegal entry.
- Enticing a child for immoral purposes.
- Discharge of a firearm intentionally aimed at a person.
- Discharge of an intentionally aimed firearm resulting in injury.
- Leaving the scene of a personal injury accident.
- Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury or death to another’s person or damage to another person’s property.
- Indecent exposure.
- Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
- Fourth-degree child abuse.
- Misdemeanor “stalking” offenses.
- Drunk-boating offenses resulting in death, injury, or damage to another person’s property.
- Covers enumerated offenses that are subsequently reduced to a lesser charge.
- Violation of a local ordinance corresponding to any of these offenses.

**Section 32.** Within 24 hours law enforcement agency provides victim with following information in writing:

- Emergency services.
- Victim compensation details.
- Victim’s rights contact in prosecutor’s office.
- How to be notified of an arrest or release.
- Who to contact if no arrest.

**Section 33.** Law enforcement:

- Returns victim’s property promptly.
- May take photos so evidence property can be returned.

**Section 33a.** Requires investigating agency or prosecutor to place a statement on the complaint or petition if the violation of the following offenses resulted in damage to another's property or physical injury or death to another:

- Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury or death to another person or damage to another person's property.
- Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
- Drunk-boating offenses resulting in death, injury, or damage to another person's property.

**Section 34.** Investigating agency includes a separate, confidential statement listing any known victims.

**Section 35.** Law enforcement:

- Within 48 hours after the preliminary hearing, the prosecuting attorney, or pursuant to an agreement under section 48a, the court, provides method for victim to know if defendant is held in detention or released prior to preliminary hearing.
- Prosecutor may move that juvenile be placed in detention if victim provides any credible evidence of acts or threats of physical violence or intimidation.

**Section 36.** Court must accept a petition unless there is insufficient evidence. Within 72 hours after a petition is filed, the prosecuting attorney, or pursuant to an agreement under section 48a, the probate court, provides victim with plain English explanation of:

- A specific list of the rights and procedures under this article.
- A summary of the processing of a juvenile offense case, including the possibility of its waiver to adult court.
- Victims compensation details.
- Threat and intimidation information and procedures for protection.
- Schedule of court proceedings and changes.
- Provided prosecutor is involved in case, and the juvenile has not entered a plea of admission or no contest to the original charge at the preliminary hearing, consultation about disposition of case, including plea bargaining, before finalizing any agreement to reduce the original charge.
- Address requirement.

**Section 36a.** Speedy trial for:

- Child abuse.
- Criminal sexual conduct cases.

**Section 36a.** (cont.)

- Victims age 65 years or older.
- Victims with a disability that inhibits participation in court.
- Time limits for hearing/trial

**Section 36b.** No pre-trial diversion or placement on consent calendar unless:

- Prosecutor is notified.
- Prosecutor may address court on diversion and must consult with victim before finalizing any informal disposition.
- Victim may attend hearing, and give impact statement before finalization of informal disposition.
- Restitution must be ordered.

**Section 37.** Court to provide waiting area for victim separate from defendant or defense witnesses.

**Section 38.** Prosecutor or victim moves that victim or witness not be compelled to testify to protect identity. Confidentiality of victim's address, place of employment, telephone number, etc.

**Section 39.** Right of victim to be present at trial.

**Section 40.** Victim and "victim representative" protection from employer discipline for required court appearances.

**Section 41.** The prosecuting attorney or, pursuant to an agreement under section 48a, the court notifies victim of:

- Adjudicated offenses.
- Right to impact statement at disposition hearing.
- Time and place of disposition hearing.

If a predisposition report is to be written, writer notifies victim of:

- Right to impact statement to be used in report's preparation.
- Availability of report and statement to juvenile unless exempted by the court.
- Information for contacting writer of report.
- Details of impact statement.

**Section 41a.** Right to notification form after juvenile is placed in a juvenile facility or prison.

**Section 42.** Right to have impact statement included in predisposition report if one is written. Court must notify prosecutor 10 days prior to disposition if no presentence report is prepared.

**Section 43.** Right to impact statement at disposition. The victim may choose another person to make their statement. The prosecuting attorney or, pursuant to an agreement under section 48a, the court notifies victim of disposition within 14 days.



**Section 44.** Restitution:

- Require court to order restitution, subject to due process, to individuals, businesses, and governmental agencies that are eligible.
- Property return or restoration.
- Cost of physical or psychological care, including costs reasonably expected to be incurred.
- Loss of income.
- Cost of actual and volunteer homemaking and child care expenses.
- Funeral expenses.
- Cost of lost tax credit/deduction for minors.
- Up to triple restitution if death or serious impairment occurs.
- Services in lieu of money.
- Time limits.
- Restitution as a condition of probation or parole.
- Enforcement of restitution, including wage assignment.
- If juvenile is placed on probation, require caseworker or probation officer to review restitution order/payments.
- Responsibility of supervisory parent (up to \$5,000).
- No court fee for enforcing a restitution order.

**Section 44a.** Priority of payments for restitution, fines, costs, etc., when defendant makes a payment.**Section 45.** Court consideration in determining restitution.**Section 46.** Prosecuting attorney notifies victim of:

- Filing of an appeal.
- Appeal procedures.
- Time and place of appeal hearing.
- Result of appeal. (Remand, reversal, sentence is vacated, or a new trial ordered requires prosecutor to notify victim within 24 hours of prosecutor receiving order.)
- Juvenile's release on bail pending disposition of appeal. (Prosecutor to notify victim within 24 hours of prosecutor receiving order.)

**Section 46a.** Notice to victim of expungement motion for assaultive crimes or serious misdemeanor.**Section 47.** Profit from crime story to be placed in escrow for 5 years. Proceeds to be used for:

- Restitution to victim.
- Satisfying civil judgment against defendant in favor of victim.
- Payment for room and board in jail or prison.
- Balance, if any, split between the state and defendant's family.

**Section 48.** Upon written request from victim, the court (if juvenile is ward of court) or Family Independence**Section 48.** (*cont.*)

Agency (if juvenile is ward of state) notifies victim of:

- Juvenile's dismissal from jurisdiction.
- Juvenile's transfer to nonsecure facility.
- Escape.
- Detention for new crime committed.
- Upon the victim's request, prosecutor gives victim notice of disposition review hearings.

Upon written request from victim, the sheriff or the Department of Corrections notifies victim of:

- Earliest projected prison release date.
- Transfer to minimum security.
- Release to community program.
- Transfers between community programs.
- Escape.
- Parole board hearing.
- Decision of parole board.
- Release or discharge.

**Section 48a.** Court may perform notification functions delegated to the prosecuting attorney under the act if:

- The prosecutor allows the court to perform those functions pursuant to a written agreement; and
- The court performed those functions before May 1, 1994.

**Section 49.** Certified copy of the order of an adjudicative hearing provided to victim.**ARTICLE 3****Section 61.** Definition of serious misdemeanor includes:

- Assault and battery.
- Assault with infliction of serious injury.
- Breaking and entering or illegal entry.
- Fourth-degree child abuse.
- Enticing a child for immoral purposes.
- Discharge of a firearm intentionally aimed at a person.
- Discharge of an intentionally aimed firearm resulting in injury.
- Indecent exposure.
- Leaving the scene of a personal injury accident.
- Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury or death to another person or damage to another individual's property.
- Misdemeanor "stalking" offenses.
- Drunk-boating offenses resulting in death, injury, or damage to another person's property.

**Section 61.** (*cont.*)

- Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
- Covers enumerated offenses that are subsequently reduced to a lesser charge.
- Violation of a local ordinance corresponding to any of these offenses.

Jailed inmates have limited rights.

**Section 61a.** Requires law enforcement officer or prosecutor to place a statement on the complaint or petition if the violation of the following offenses resulted in damage to another's property or physical injury or death to another:

- Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury or death to another person or damage to another person's property.
- Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
- Drunk-boating offenses resulting in death, injury, or damage to another person's property.

**Section 62.** Law enforcement officer includes victim information in separate statement.

**Section 63.** Within 24 hours law enforcement agency provides victim with following information in writing:

- Emergency services.
- Victim compensation details.
- Victim's rights contact in prosecutor's office.
- How to be notified of an arrest or release.
- Who to contact if no arrest.

**Section 63a.** Bond revocation procedure if victim provides any credible evidence of acts or threats of physical violence or intimidation.

**Section 64.** Law enforcement:

- Returns victim's property promptly.
- May take photos so evidence property can be returned.

**Section 65.** Law enforcement:

- Provides notice of arrest and availability of pretrial release.
- Bond revocation procedure if victim certifies threats or intimidation.

**Section 66.** The court notifies the prosecutor of the plea within 48 hours of the arraignment. The notice must be on a separate, nonpublic form. The prosecutor then within 48 hours notifies the victim of the following:

- A specific list of the rights and procedures under the misdemeanor article.

**Section 66.** (*cont.*)

- Statement of court procedures, including pretrial conferences.
- Victim's compensation details.
- Threat and intimidation information and procedures for protection.
- Schedule of court proceedings and changes.
- If a plea of guilty or nolo contendere has been entered, consultation about disposition of case, including plea bargaining.
- Notification of case dismissal within 48 hours.
- Address requirements.

**Section 67.** Court to provide waiting area for victim separate from defendant or defense witnesses.

**Section 68.** Identity protection for victim, including confidentiality of address, place of employment, telephone number, etc.

**Section 69.** Speedy trial where victim is a child.

**Section 70.** Upon request, victim confers with prosecutor prior to trial.

**Section 71.** Right of victim to be present at trial.

**Section 72.** Victim and "victim representative" protection from employer discipline for required court appearances.

**Section 73.** Prosecutor notifies victim of:

- Conviction.
- Crimes of conviction.
- If one is prepared, right to presentence report impact statement and notice that statement may be available to defendant.
- Right to make impact statement at sentencing.
- Time and place of sentencing hearing.
- Details of impact statement.

**Section 74.** Right to have impact statement included in presentence report if one is written.

**Section 75.** If no presentence report is prepared, court notifies prosecutor of date and time of sentencing at least 10 days before sentencing. The victim has right to submit impact statement at sentencing, or may choose another person to make their statement.

**Section 76.** Require court to order restitution, subject to due process:

- Applies to all misdemeanors.
- Property return or restoration.
- Cost of physical care, including costs reasonably expected to be incurred.
- Loss of income.
- Services in lieu of money.
- Time limits.

**Section 76.** (*cont.*)

- Individuals, businesses, and governmental agencies are eligible.
- Cost of psychological and medical treatment for members of the victim's family that has been incurred as a result of the offense, including costs reasonably expected to be incurred.
- Cost of actual and volunteer homemaking and child care expenses.
- Cost of seizure or impoundment of vehicle.
- Cost of lost tax credit/deduction for minors.
- Up to triple restitution if death or serious impairment occurs.
- If defendant is placed on probation, require probation officer to review restitution order/payments.
- No court fee for enforcing a restitution order.

**Section 76a.** Priority of payments for restitution, fines, costs, etc., when defendant makes a payment.

**Section 77.** Notification of final disposition.

**Section 77a.** Notice of expungement motion for serious misdemeanor.

**Section 78.** Appeal procedures. Prosecutor notifies victim of:

- Defendant's filing of an appeal.
- Appeal process.
- Time and place of appeal hearing.

**Section 78.** (*cont.*)

- Result of appeal. (Remand, reversal, sentence is vacated, or a new trial ordered requires prosecutor to notify victim within 24 hours of receiving order.)
- Defendant's release on bail pending disposition of appeal. (Requires prosecutor to notify victim within 24 hours after prosecutor is notified of order.)

**Section 78a.** Upon victim's written request sheriff notifies victim of:

- Earliest release date.
- Escape.
- Placement on day parole or work release.

**Section 78b.** Notice to victim of escape.

**Section 79.** Notification of earliest release date.

**Section 80.** Victim information is confidential.

**Section 81.** Profit from crime story to be placed in escrow for 5 years. Proceeds to be used for:

- Restitution to victim.
- Satisfying civil judgment against defendant in favor of victim.
- Payment for room and board in jail or prison.
- Balance, if any, split between the state and defendant's family.

## PROCESSING A CRIMINAL CASE

### Circuit Court

The Circuit Court has original jurisdiction in all civil cases involving more than \$25,000, all criminal cases where the offense involves a felony or a two-year misdemeanor and in some domestic relation cases, including divorce and paternity actions.

*Effective January 1, 1998, there is created a Family Division within the Circuit Court system. Its function is to mediate all domestic relations cases, including divorce, custody, support, and personal protection orders. Other matters also within its jurisdiction are the care and protection of adults and children, which will include juvenile delinquency, abuse and neglect, adoption, and name changes.*

The following is an example of the procedures often involved in processing a criminal case. Not every case will go to trial, so not all of the steps will be followed in every case. If you are a victim and have specific questions about the process in your case, contact the prosecuting attorney's office for more information.

#### Warrant Request

When a police officer has probable cause to believe a person has committed a crime, the police request the prosecutor to authorize a warrant for their arrest.

#### Decision to Prosecute

The prosecutor determines whether a person should be charged with a crime and, if so, what the crime should be.

#### Arraignment

Once arrested and charged with a felony, the suspect appears in district court for arraignment. At arraignment, the defendant is given notice of the charges against him or her, and advised of their constitutional rights. The conditions and amount of bail are determined, and a date is set for a preliminary examination. You should be aware that most defendants are released on bail, but you may check by calling the phone number given.

#### Preliminary Examination

This is a contested hearing before the judge. The prosecutor presents witnesses to convince the district court judge that a crime was in fact committed and that there is probable cause to believe the defendant has committed that crime. The defendant is represented and can cross-examine the witnesses and present evidence. If probable cause is established, the defendant is sent to circuit court for trial. A defendant can decide not to have a preliminary examination and simply go to trial.

#### Arraignment/Circuit Court

After the case is sent to circuit court, the defendant is again arraigned and given formal notice of the charges against him or her. He or she is again advised of their constitutional rights, and asked to enter a plea to the charge.

#### Pretrial Proceedings

Many events can occur prior to trial. The court may hear motions to determine whether evidence will be admitted or

suppressed at the defendant's trial, or whether there is some legal reason why the defendant should not be tried. In addition, the prosecutor and defense attorney will often meet to determine whether the defendant will plead guilty to the crime with which he or she is charged or some other offense.

#### Trial

The defendant has a right to determine whether to be tried by the judge or the jury. During the trial, the judge or a jury will determine whether the defendant has committed a crime and, if so, what that crime is. A trial is an adversary proceeding whereby the prosecution must present evidence to establish the defendant's guilt beyond a reasonable doubt. The prosecutor must call all the witnesses to the crime. The defendant is not required to prove his or her innocence, or to present any evidence, since it is up to the prosecution to prove the guilt of the defendant (who is presumed innocent in our system).

#### Sentencing

If the defendant is found guilty of a crime, the judge will set a date for sentencing. The time between conviction and sentencing is used to prepare a presentence investigation report. This report is prepared by the probation officer, who works for the state Department of Corrections. It contains information about the crime, defendant's background, and a sentence recommendation. At the time of sentencing, the judge will consider the information in the report before determining the sentence. The judge will also consult the sentencing guidelines established by the Michigan Supreme Court as a reference for framing an appropriate sentence. Determination of the minimum sentence is the judge's sole responsibility, although some convictions carry a legally mandated minimum sentence. The judge may have the option to consider different alternatives, such as a fine, probation, community service, a sentence to jail or prison, or a combination. The judge may also order the defendant to make restitution to any victims who have suffered physical, financial, or emotional harm.



## Juvenile Court

The Circuit Court's Family Division has a juvenile division commonly known as Juvenile Court and handles cases of juveniles under the age of 17, unless they are waived to the adult court. Processing a juvenile offense is less formal and more flexible than corresponding procedures for adults in Circuit or District Courts and some terms are different.

### Detention

Facilities operated by the probate court or state where juveniles may be detained pending hearings or following disposition.

### Petition

A complaint or written accusation that a juvenile has committed an offense which is filed with the Circuit Court.

### Intake

The Circuit Court screening process and preparation of the case.

### Trial (formerly called an adjudicatory hearing)

The point at which the court must find delinquency or neglect or dismiss the case.

### Disposition

Equivalent to sentencing component in adult proceedings. The court has a wide spectrum of options which includes returning the juvenile to his or her home, retaining court jurisdiction or assigning the juvenile to the jurisdiction of the state by way of the Family Independence Agency.

## District Court

The District Court has jurisdiction of all misdemeanors for which punishment does not exceed one year, as well as the arraignment, setting and acceptance of bail, and conducting preliminary examinations in felony cases. The District Court also handles civil cases under \$25,000, garnishments, evictions, foreclosures, and other proceedings. District Court procedures are essentially like those used in Circuit Court with the following exceptions:

- A city ordinance may be prosecuted by a city attorney.
- Presentence investigation reports are not always prepared.

## OTHER FINANCIAL ASSISTANCE FOR INJURED VICTIMS OF CRIMES

Separate from restitution provided for in the Crime Victim's Rights Act, victims may be eligible for compensation from the state.

### What Is the Crime Victim Services Commission?

1976 PA 223 (MCL §§18.351 to 18.368) governs the Michigan Crime Victim Services Commission. Under the Act persons who suffer personal injury as a direct result of a Michigan crime may be eligible for assistance. Personal injury means actual bodily harm. In addition, a surviving spouse, parent, child, sibling, or other dependent of a victim who dies as a result of a crime may be eligible for assistance.

Assistance may include compensation for medical expenses, funeral costs, counseling, rehabilitation, and loss of earnings or loss of support resulting from an injury which is the direct result of a crime.

### Who May Be Eligible for Compensation?

- A crime victim who suffers personal physical injury as the direct result of a crime.
- An intervenor who suffers personal physical injury while going to the aid of a crime victim.
- A surviving spouse, parent, child, sibling, or other dependent of a crime victim who dies as a direct result of a crime.
- A Michigan resident injured by crime in another state that does not have a victim compensation program available.

### How Does a Person File a Claim?

- Obtain and fill out an application form. Forms are available from the Crime Victim Services Commission or may be

available at other places listed at the back of this booklet. Under the Act your claim must be filed with the Commission not later than 1 year after the occurrence of the crime. So, any time within 1 year of a crime, you can and should file a claim. Prosecuting attorneys, sheriffs, police departments, state police posts, and other agencies may have forms and may help you, but they do not represent the Crime Victim Services Commission, and they cannot waive any requirement of the law or rules of the Commission.

### Does a Person Need an Attorney to File a Claim?

- Except in unusual circumstances, you do not need an attorney, but you do have a right to hire one. In deciding whether to hire an attorney, you should think about the following facts.
- The Commission investigates each claim and is willing to deal directly with you. You can hire an attorney at any stage of the process. Any attorney fees must be paid by you out of your award. Commission rules do limit the amount of attorney fees which are payable, so you may want to discuss that with an attorney before you hire one.

### Compensation

- The actual amount of compensation, if any, depends upon the facts of each case. Do not try to decide for yourself whether you are eligible. If there is any doubt, file a claim and the Commission will decide. Compensation to crime victims is limited in many ways; here are some of the limits:

- Maximum total dollars allowable \$15,000.00.
- Maximum funeral expenses up to \$2,000.00.
- Not more than \$200.00 for each week of lost earnings, or in the case of a death, lost support.
- Losses resulting from an injury or death are awarded only if a person has no insurance or public assistance available.
- If a person will not suffer serious financial hardship, then he or she must be denied an award even though a loss was suffered.

**What Are Some Losses That Are Not Covered?**

- Personal property loss or damage.
- Pain and suffering.
- Injuries received while confined in a correctional facility.
- Victims of motor vehicle accidents with no available automobile insurance should file a claim with the Secretary of State's Assigned Claims Plan.

**To Receive Compensation, What Other Basic Conditions Must Be Satisfied?**

- Claims must be filed within one year from the date of the crime except in the following circumstances:
  - When a child is a victim of sexual abuse the crime must be reported before the child turns 19, and the claim must be filed within one year of the report.
  - When a crime is discovered by a law enforcement agency where the injury was previously determined to be accidental, of unknown origin, or from natural causes, the claim must be filed within one year of the discovery.
  - The Commission may, upon petition by the claimant, and for good cause shown, extend the period in which a claim may be filed.
- The crime must be reported to the police within 48 hours, unless the Commission finds there was good cause for any delay in making a police report.
- To recover an out-of-pocket loss, a person must show a loss of at least \$200.00 in medical expenses, or other expenses not otherwise reimbursable.
- To recover loss of earnings or loss of support, a person must have lost at least two continuous weeks' disability from criminal injury.
- A person cannot be criminally responsible for the crime and cannot be an accomplice.
- The victim must be willing to cooperate with law enforcement agencies in the investigation of the crime and with the courts in the prosecution of a defendant.
- The Commission may reject a claim or reduce any award if the victim contributed to the infliction of the injury.

**What Happens After a Claim Is Filed?**

- The Commission acknowledges the claimant's request for consideration and notifies the prosecuting attorney that a claim for compensation is pending.
- An investigation is conducted to verify the validity of the claim and the extent of any compensable loss. The claimant may be requested to provide documentation if the Commission is otherwise unable to verify the claim.
- If dissatisfied, the claimant has 30 days in which to appeal the decision of the member to the full Commission. An evidentiary hearing is provided to a claimant who requests one. The decision of the full Commission becomes the final decision of the Commission.
- If still dissatisfied, the claimant has 30 days to file a request for leave to appeal with the Court of Appeals.

**Coordination of Benefits**

- The Commission is the payor of last resort.
- Payments from insurance or public funds for out-of-pocket expenses, lost earnings or support (except disability or death benefits paid to a peace officer) are primary resources and must be deducted prior to any award for compensation.
- The claimant must repay the State of Michigan out of any subsequent insurance settlement or court-ordered restitution covering a loss reimbursed by the Commission.

**Waiver of Limits**

- The minimum loss requirements will be waived for persons retired by reason of age or disability.
- The minimum loss requirement will be waived for the expense of forensic medical exams for sexual assault victims.

**What About False Information?**

- If a person falsely presents the facts and circumstances of a crime with the intent to defraud or cheat and causes an award to be made under the Act, that is a crime. So, a person can be prosecuted for putting false information in an application or causing other false information to be submitted to the Commission.

**Where to File a Claim**

Crime Victim Services Commission  
P.O. Box 30026  
Lansing, Michigan 48909  
Phone: (517) 373-7373

**Where Are Claim Forms Available?**

Crime Victim Services Commission  
Prosecuting Attorneys  
State Police Posts

## Michigan Sheriffs' Associations Victim Services Programs

**ALCONA COUNTY**  
Sheriff: Doug Ellinger  
Coordinator: Ralph Klotz  
(989) 736-3436

**ALLEGAN COUNTY**  
Sheriff: Blaine Koops  
Coordinator: Marty Mandell  
(616) 673-0521

**ALPENA COUNTY**  
Sheriff: James Marquardt  
Coordinator: Holly Wyman  
(989) 354-4128

**BARRY COUNTY**  
Sheriff: Steve DeBoer  
Coordinator: Julie DeBoer  
(616) 945-0150

**CASS COUNTY**  
Sheriff: Joe Underwood  
Coordinator: Donna Dominiak  
(616) 445-1201

**CLINTON COUNTY**  
Sheriff: Wayne Kangas  
Coordinator: Renae Larson  
(517) 669-2725

**CRAWFORD COUNTY**  
Sheriff: Dave Lovely  
Coordinator: Sharon Huss  
(989) 344-3248

**DELTA COUNTY**  
Sheriff: Gary Carlson  
Coordinator: Denise Busch  
(906) 789-0445

**EATON COUNTY**  
Sheriff: Rick Jones  
Coordinator: Brenda Grove  
(517) 543-3512, ext. 451

**GOGEBIC COUNTY**  
Sheriff: Larry Sanders  
Coordinator: Kathy Kirkley  
(906) 932-0138

**HURON COUNTY**  
Sheriff: Kent Tibbits  
Coordinator: Det. Richard Koehler  
(989) 269-9910

**INGHAM COUNTY**  
Sheriff: Gene Wriggelsworth  
Coordinator: Sgt. Bruce Holiday  
(517) 676-8251

**Lansing Police Department**  
(Within Ingham County)  
Police Chief: Mark Alley  
Coordinator: (none as of this printing)  
(517) 483-4800

**IONIA COUNTY**  
Sheriff: Dwain Dennis  
Coordinator: Sue Deible  
(616) 642-9202

**IOSCO COUNTY**  
Sheriff: Mike Fischer  
(989) 362-6164  
Coordinator: Shirley Martin  
(989) 469-8241

**IRON COUNTY**  
Sheriff: Robert Remondini  
Coordinator: Marlene Motts  
(906) 875-6628

**KENT COUNTY**  
Sheriff: Larry Stelma  
Coordinator: Lt. Jerry Miedema  
(616) 336-2411

**LEELANAU COUNTY**  
Sheriff: Michael Oltersdorf  
Coordinator: Laurie LaCross  
(231) 256-9872

**MASON COUNTY**  
Sheriff: Larry Stewart  
Coordinator: Undersheriff Laude Hartmun  
(231) 592-0150

**MECOSTA COUNTY**  
Sheriff: John Sonntag  
Coordinator: Otto Kemptner  
(231) 592-0150

**MENOMINEE COUNTY**  
Sheriff: Ed Powell, Jr.  
Coordinator: Sharlotte Grinsteiner  
(906) 788-4889

**Hannahville Indian Reservation**  
Sheriff: Ed Powell  
Coordinator: Ruth Oja  
(906) 466-2342

**MONTCALM COUNTY**  
Sheriff: Bill Barnswell  
Coordinator: Sgt. Mark Bellinger  
(989) 831-5253

**MONTMORENCY COUNTY**  
Sheriff: Ron Karr  
Coordinator: Sherrie Smith  
(989) 785-3741

**MUSKEGON COUNTY**  
Sheriff: Robert Carter  
Coordinator: Capt. Phil Marcil  
(231) 724-6506

**NEWAYGO COUNTY**  
Sheriff: Michael Mercer  
Coordinator: Undersheriff Dave Babcock  
(231) 689-6623

**OGEMAW COUNTY**  
Sheriff: Howard Hanft  
Coordinator: Suzette Galea  
(989) 345-0261

**OSCEOLA COUNTY**  
Sheriff: James Crawford  
Coordinator: Cathleen Verdenburg  
(231) 832-2288

**OSCODA COUNTY**  
Sheriff: Mike Larrison  
Coordinator: Peggy Fortin  
(989) 848-8095

**OTTAWA COUNTY**  
Sheriff: Gary Rosema  
Coordinator: Sgt. Greg Steigenga  
(616) 662-3100/6219

**Holland Police Department**  
(Within Ottawa and Allegan Counties)  
Chief: John Kruithoff  
Coordinator: Beth Lamer  
(616) 355-1100

**SAGINAW COUNTY**  
Sheriff: Charles Brown  
Coordinator: Det. Virginia May  
(989) 790-5447

**SANILAC COUNTY**  
Sheriff: Virgil Strickler  
Coordinator: Undersheriff Greg Ferriby  
(810) 648-2000

**SHIAWASSEE COUNTY**  
Sheriff: Dean Porter  
Coordinator: Lt. Ed Barber  
(989) 743-3411, ext. 4

**ST. JOSEPH COUNTY**  
Sheriff: Matt Lori  
Coordinator: Maxine Kennedy  
(616) 467-5587

**TUSCOLA COUNTY**  
Sheriff: Thomas Kern  
Coordinator: Diane Santhany  
(989) 673-8161, ext. 8

**VAN BUREN COUNTY**  
Sheriff: Dale Gribler  
Coordinator: Debbie Diekema  
(616) 657-8239

**VICTIM CONTACTS FOR MICHIGAN COUNTIES****ALCONA**

Prosecutor: Thomas Weichel  
(989) 724-5142  
Victim Contact: Carla Harvey  
(989) 724-5142  
Sheriff: Douglas Ellinger  
(989) 724-6271

**ALGER**

Prosecutor: Mark E. Luoma  
(906) 387-2117  
Victim Contact: Sandra Kivela  
(906) 387-2117  
Sheriff: David Cromell  
(906) 387-4444

**ALLEGAN**

Prosecutor: Fred Anderson  
(616) 673-0280  
Victim Contact: Emelda Calanchi-Pope  
(616) 673-0280  
Sheriff: Blaine Koops  
(616) 673-0510

**ALPENA**

Prosecutor: Dennis P. Grenkowicz  
(989) 356-1202  
Victim Contact: Joy Lee Schaedig  
(989) 356-1202  
Sheriff: James Marquardt  
(989) 354-2234

**ANTRIM**

Prosecutor: Charles H. Koop  
(231) 533-8412  
Victim Contact: Pennie Thompson  
(231) 533-8322  
Sheriff: Terry Johnson  
(231) 533-6935

**ARENAC**

Prosecutor: Curtis G. Broughton  
(989) 846-4597  
Victim Contact: Sharon Kocot  
(989) 846-4597  
Sheriff: James Mosciski  
(989) 846-4561

**BARAGA**

Prosecutor: Joseph P. O'Leary  
(906) 524-5440  
Victim Contact: Theresa Wirtz  
(906) 524-5440  
Sheriff: Robert Teddy  
(906) 524-6177

**BARRY**

Prosecutor: Gordon Shane McNeil  
(616) 945-1297  
Victim Contact: Kori Rolison  
(616) 945-1285, ext. 1034  
Sheriff: Steve DeBoer  
(616) 948-4805

**BAY**

Prosecutor: Joseph Sheeran  
(989) 895-4185  
Victim Contact: Cindy Howell  
(989) 895-4243  
Sheriff: John E. Miller  
(989) 895-4050

**BENZIE**

Prosecutor: Anthony J. Ciccheill  
(231) 882-0043  
Victim Contact: Melanie Jensen  
(231) 882-0043  
(888) 338-0062  
Sheriff: Robert Blank  
(231) 882-4484

**BERRIEN**

Prosecutor: James A. Cherry  
(616) 983-7111, ext. 311  
Victim Contact: Marilyn Bowie  
(616) 983-7111, ext. 8302  
Sheriff: L. Paul Bailey  
(616) 983-7111, ext. 7220

**BRANCH**

Prosecutor: Kirk A. Kashian  
(517) 279-4319  
Victim Contact: Denice Parks  
(517) 279-4319, ext. 200  
Sheriff: Warren Cannon  
(517) 278-2325

**CALHOUN**

Prosecutor: John A. Hallacy  
(616) 969-6976  
Victim Contact: Maria Wilson Markos  
(616) 969-6942  
Sheriff: Al Byam  
(616) 969-6428

**CASS**

Prosecutor: Scott L. Teter  
(616) 445-4469  
Victim Contact: Karen Loder Gillam  
(616) 445-4469  
Sheriff: Joseph Underwood, Jr.  
(616) 445-8644

**CHARLEVOIX**

Prosecutor: Mary Beth Kur  
(231) 547-7207  
Victim Contact: Sandra Ward  
(231) 547-7249  
Sheriff: George Lasater  
(231) 547-4461

**CHEBOYGAN**

Prosecutor: Catherine Castagne  
(231) 627-8450  
Victim Contact: Paula Coon  
(231) 627-8879  
Sheriff: Dale Clarmont  
(231) 627-8486

**CHIPPEWA**

Prosecutor: Brian A. Peppler  
(906) 635-6342  
Victim Contact: Lisa Wilcox  
(906) 635-6342  
Sheriff: Jeff Moran  
(906) 635-6355

**CLARE**

Prosecutor: Norman E. Gage  
(989) 539-9831  
Victim Contact: Cheryl Carothers  
(989) 539-9831, ext. 2605  
Sheriff: Jeff Goyt  
(989) 539-7166

**CLINTON**

Prosecutor: Charles D. Sherman  
(989) 224-5260  
Victim Contact: Anita Rositas  
(989) 224-5260  
Sheriff: Wayne Kangas  
(989) 224-5200

**CRAWFORD**

Prosecutor: John B. Huss  
(989) 348-2844  
Victim Contact: Sharon Huss  
(989) 348-2844, ext. 246  
Sheriff: David Lovely  
(989) 348-4616, ext. 218

**DELTA**

Prosecutor: Thomas L. Smithson  
(906) 789-5115  
Victim Contact: Karen S. Alvord  
(906) 789-5115  
Sheriff: Gary Carlson  
(906) 786-3633

**DICKINSON**

Prosecutor: Christopher Ninomiya  
(906) 774-1294  
Victim Contact: Connie Larson  
(906) 774-1294  
Sheriff: Donald Charlevoix  
(906) 774-6262

**EATON**

Prosecutor: Jeffrey L. Sauter  
(517) 543-7500, ext. 263/265  
Victim Contact: Heather Hicks  
(517) 543-7500, ext. 265  
Sheriff: Rick Jones  
(517) 543-3512

**EMMET**

Prosecutor: Robert J. Engel  
(231) 348-1725  
Victim Contact: Vickie Carpentier  
(231) 348-1725  
Sheriff: Jeffrey Bodzick  
(231) 347-2032



**GENESEE**

Prosecutor: Arthur Busch  
(810) 257-3279  
Victim Contact: Lisa Jaworski  
(810) 257-3493  
Sheriff: Robert Pickell  
(810) 257-3406

**GLADWIN**

Prosecutor: Thomas Evans  
(989) 426-8592  
Victim Contact: Debbie Primeau  
(989) 426-8592  
Sheriff: Michael Hargrave  
(800) 553-0911

**GOGEBIC**

Prosecutor: Wayne Groat  
(906) 667-0471  
Victim Contact: Carol Johnson  
(906) 667-0471  
Sheriff: Larry Sanders  
(906) 667-0203

**GRAND TRAVERSE**

Prosecutor: Dennis LaBelle  
(231) 922-4600  
Victim Contact: Denise Schmuckal  
(231) 922-4607  
Sheriff: Scott Fewins  
(231) 922-4504

**GRATIOT**

Prosecutor: Keith J. Kushion  
(989) 875-5236  
Victim Contact: Grace Griffiths  
(989) 875-5236  
Sheriff: Robert Beracy  
(989) 875-5214

**HILLSDALE**

Prosecutor: Neal A. Brady  
(517) 439-1419  
Victim Contact: Linda S. Johnson  
(517) 439-1419  
Sheriff: Stan Burkhardt  
(517) 437-7317

**HOUGHTON**

Prosecutor: Douglas Edwards  
(906) 482-3214  
Victim Contact: Paula Olsen  
(906) 482-3214  
Sheriff: Brian McLean  
(906) 482-4411

**HURON**

Prosecutor: Mark J. Gaertner  
(989) 269-9255  
Victim Contact: Keri L. Stacer  
(989) 269-9255  
Sheriff: Kent Tibbitts  
(989) 269-9910

**INGHAM**

Prosecutor: Stuart J. Dunnings III  
(517) 483-6272  
Victim Contact: Trixie Brown  
(517) 483-6254  
Sheriff: Gene Wriggelsworth  
(517) 676-2431

**IONIA**

Prosecutor: Gail A. Benda  
(616) 527-5302  
Victim Contact: Susan Castro  
(616) 527-5302  
Sheriff: Dwain Dennis  
(616) 527-5737

**IOSCO**

Prosecutor: Gary W. Rapp  
(989) 362-6141  
Victim Contact: Christine Roulo  
(989) 362-6141  
Sheriff: Michael Fischer  
(989) 362-6164

**IRON**

Prosecutor: Joseph C. Sartorelli  
(906) 875-6628  
Victim Contact: Marlene Mottes  
(906) 875-0633  
Sheriff: Robert Remondini  
(906) 875-6669

**ISABELLA**

Prosecutor: Larry Burdick  
(989) 772-0911, ext. 311  
Victim Contact: Stacey Wiley  
(989) 772-0911, ext. 311  
Sheriff: Barry DeLau  
(989) 772-5911

**JACKSON**

Prosecutor: John G. McBain, Jr.  
(517) 788-4283  
Victim Contact: Ruth Stressman  
(517) 788-4071  
Sheriff: Henry Zavislak  
(517) 788-4200

**KALAMAZOO**

Prosecutor: James J. Gregart  
(616) 383-8900  
Victim Contact: Gayle Somers  
(616) 383-8639  
Sheriff: Thomas Edmonds  
(616) 385-6130

**KALKASKA**

Prosecutor: Brian Donnelly  
(231) 258-3325  
Victim Contact: Michelle Tagovailoa  
(231) 258-3327  
Sheriff: Nelson Cannon  
(231) 258-8686

**KENT**

Prosecutor: William A. Forsyth  
(616) 336-3577  
Victim Contact: Anita Droog  
(616) 336-2856  
Sheriff: Lawrence Stelma  
(616) 336-2122

**KEWEENAW**

Prosecutor: Donna L. Jaaskelainen  
(906) 482-0990  
Victim Contact: Donna L. Jaaskelainen  
(906) 482-0990  
Sheriff: Ronald Lahti  
(906) 337-0528

**LAKE**

Prosecutor: Dave C. Woodruff  
(231) 745-2775  
Victim Contact: Mamie K. Adcock  
(231) 745-7383  
Sheriff: Robert Hilts  
(231) 745-2712

**LAPEER**

Prosecutor: Byron J. Konschuh  
(810) 667-0326  
Victim Contact: Cathy Strong  
(810) 667-0326  
Sheriff: Ronald Kalanquin  
(810) 667-0440

**LEELANAU**

Prosecutor: Sarah Brubaker  
(231) 256-9872  
Victim Contact: Laurie LaCross  
(231) 256-9872  
Sheriff: Mike Oltersdorf  
(231) 256-9829

**LENAWEE**

Prosecutor: Irving C. Shaw, Jr.  
(517) 264-4640  
Victim Contact: Annabelle  
Baughey-Voorhees  
(517) 264-4641  
Sheriff: Larry Richardson  
(517) 263-7151

**LIVINGSTON**

Prosecutor: David L. Morse  
(517) 546-1850  
Victim Contact: Sheri Pummil  
(517) 546-1850  
Sheriff: Don Homan  
(517) 546-2440

**LUCE**

Prosecutor: Peter Tazelaar, II  
(906) 293-3277  
Victim Contact: Cynthia Trombley  
(906) 293-3277  
Sheriff: Kevin Erickson  
(906) 293-8431

**MACKINAC**

Prosecutor: W. Clayton Graham  
(906) 643-7329  
Victim Contact: M. J. Fenlon  
(906) 643-7329  
Sheriff: Lawrence Leveille  
(800) 643-7325

**MACOMB**

Prosecutor: Carl J. Marlinga  
(810) 469-5350  
Victim Contact: Kimberly Greenfelder  
(810) 469-5675  
Sheriff: Mark Hackel  
(810) 469-5151

**MANISTEE**

Prosecutor: Ford K. Stone  
(231) 723-7518  
Victim Contact: Tammy Britton  
(231) 723-7518  
Sheriff: Dale Kowalkowski  
(231) 723-8393

**MARQUETTE**

Prosecutor: Gary L. Walker  
(906) 225-8315  
Victim Contact: Cindy Boyer  
(906) 225-8315  
Sheriff: Michael Lovelace  
(906) 228-1560

**MASON**

Prosecutor: Cris J. VanOosterum  
(231) 845-7377  
Victim Contact: Doreen Dunblazier  
(231) 845-7377  
Sheriff: Larry Stewart  
(231) 843-3475

**MECOSTA**

Prosecutor: Peter M. Jaklevic  
(231) 592-0141  
Victim Contact: Amy Cole  
(231) 592-0141  
Sheriff: John Sonntag  
(231) 592-0150

**MENOMINEE**

Prosecutor: Daniel E. Hass  
(906) 863-2002  
Victim Contact: Gail Svinicki  
(906) 863-2002  
Sheriff: Ed Powell, Jr.  
(800) 236-0242

**MIDLAND**

Prosecutor: Norman Donker  
(989) 832-6722  
Victim Contact: Kelley Elliott  
(989) 832-6722  
Sheriff: John Reder  
(989) 839-4626

**MISSAUKEE**

Prosecutor: Bill Donnelly, Jr.  
(231) 839-3111  
Victim Contact: Cathy Waters  
(231) 839-3111  
Sheriff: James Bosscher  
(231) 839-4338

**MONROE**

Prosecutor: Michael A. Weipert  
(734) 240-7600  
Victim Contact: Shirley Parrish  
(734) 240-7614  
Sheriff: Tilman Crutchfield  
(734) 240-7400

**MONTCALM**

Prosecutor: Andrea Krause  
(517) 831-7326  
Victim Contact: Teresa Good  
(517) 831-7328  
Sheriff: William Barnwell  
(517) 831-7590

**MONTMORENCY**

Prosecutor: Benjamin T. Bolser  
(989) 785-3741  
Victim Contact: Sherrie Smith  
(989) 785-3741  
Sheriff: Ron Karr  
(989) 785-4238

**MUSKEGON**

Prosecutor: Tony Tague  
(231) 724-6435  
Victim Contact: Kiesha Martinez  
(231) 724-4465  
Sheriff: Robert Carter  
(231) 724-6351

**NEWAYGO**

Prosecutor: Chrystal Roach  
(231) 689-7283  
Victim Contact: Teresa Duncan  
(231) 689-7283  
Sheriff: Michael Mercer  
(231) 689-6623

**OAKLAND**

Prosecutor: David G. Gorcyca  
(248) 858-0646  
Victim Contact: Daniel N. Cojanu  
(248) 975-9731  
Sheriff: Michael Bouchard  
(248) 858-5001

**OCEANA**

Prosecutor: Terry Shaw  
(231) 873-4608  
Victim Contact: Ida Hetland  
(231) 873-4608  
Sheriff: Ken Prince  
(800) 442-0043

**OGEMAW**

Prosecutor: Darris B. Richards  
(989) 345-5700  
Victim Contact: Jennifer Needham  
(989) 345-6222  
Sheriff: Howie Hanft  
(989) 345-3111

**ONTONAGON**

Prosecutor: Jay S. Finch  
(906) 884-4155  
Victim Contact: Judith Domitrovich  
(906) 884-4155  
Sheriff: Gerald Kitzman  
(906) 884-4901

**OSCEOLA**

Prosecutor: Sandra D. Marvin  
(231) 832-3226  
Victim Contact: Linda Jackson  
(231) 832-3226  
Sheriff: James Crawford  
(231) 832-2288

**OSCODA**

Prosecutor: Barry L. Shantz  
(989) 826-1120  
Victim Contact: Kathy Huzarski  
(989) 826-1119  
Sheriff: Michael Larrison  
(989) 826-3214

**OTSEGO**

Prosecutor: Kevin Hesselink  
(989) 732-6484, ext. 276  
Victim Contact: Cathy Baragrey  
(989) 731-0244  
Sheriff: Jim McBride  
(989) 732-6484, ext. 361

**OTTAWA**

Prosecutor: Ronald Frantz  
(616) 846-8215  
Victim Contact: Joan Grillo  
(616) 846-8368  
Sheriff: Gary Rosema  
(616) 669-2800

**PRESQUE ISLE**

Prosecutor: Donald J. McLennan  
(989) 734-4709  
Victim Contact: Marie Wisniewski  
(989) 734-4709  
Sheriff: Terry Flewelling  
(989) 734-2156

**ROSCOMMON**

Prosecutor: Daniel L. Sutton  
(989) 275-5233  
Victim Contact: Julie McKindles  
(989) 275-5233  
Sheriff: Fran Staley  
(989) 275-5101

**SAGINAW**

Prosecutor: Michael D. Thomas  
(989) 790-5330  
Victim Contact: Marilyn Pruitt  
(989) 790-5561  
Sheriff: Charles Brown  
(989) 790-5456

**ST. CLAIR**

Prosecutor: Peter R. George  
(810) 985-2400  
Victim Contact: Sheryl Hadwin  
(810) 985-2301  
Sheriff: Dan Lane  
(810) 987-1712

**ST. JOSEPH**

Prosecutor: Jeffrey Middleton  
(616) 467-5547  
Victim Contact: Linda Baker  
(616) 467-5546  
Sheriff: Matthew Lori  
(616) 467-9085

**SANILAC**

Prosecutor: James V. Young  
(810) 648-3402  
Victim Contact: Sherri Lancot  
(810) 648-5463  
Sheriff: Virgil Strickler  
(810) 648-2000

**SCHOOLCRAFT**

Prosecutor: Peter J. Hollenbeck  
(906) 341-3691  
Victim Contact: Kathy Tryan  
(906) 341-3692  
Sheriff: Gary Maddox  
(906) 341-3600

**SHIAWASSEE**

Prosecutor: Randy Colbry  
(989) 743-2373  
Victim Contact: Robin R. Durepo  
(989) 743-2468  
Sheriff: Dean Porter  
(989) 743-2297

**TUSCOLA**

Prosecutor: Mark E. Reese  
(989) 672-3900  
Victim Contact: Amy Gregor  
(989) 672-3911  
Sheriff: Tom Kern  
(989) 673-8161

**VAN BUREN**

Prosecutor: Juris Kaps  
(616) 657-8236  
South Haven (616) 637-9169  
Victim Contact: Debbie Diekema  
(616) 657-8239  
Sheriff: Dale Gribler  
(616) 657-2006

**WASHTENAW**

Prosecutor: Brian Mackie  
(734) 222-6620  
Victim Contact: Kari Paluk  
(734) 222-6664  
Sheriff: Dan Minzey  
(734) 971-8400

**WAYNE**

Prosecutor: Mike E. Duggan  
(313) 224-5777  
Victim Contact: Julie Boggs  
(313) 224-7367  
Sheriff: Robert Ficano  
(313) 224-2233

**WEXFORD**

Prosecutor: William Fagerman  
(231) 779-9505  
Victim Contact: Jan Fagerman  
(231) 779-9505  
Sheriff: Gary Finstrom  
(231) 779-9211  
(231) 426-3068

## MICHIGAN TRIBAL VICTIM ASSISTANCE

**HANNAHVILLE INDIAN COMMUNITY****DELTA/MENOMINEE COUNTIES**

Coordinator: Ruth Oja  
(906) 466-2932

**KEWEENAW BAY INDIAN COMMUNITY****BARAGA COUNTY**

Coordinator: Wanda LaBeau  
(906) 353-8666

**LAC VIEUX DESERT BAND OF****LAKE SUPERIOR CHIPPEWA INDIANS****GOGEBIC COUNTY**

Coordinator: Barbara Larson  
(906) 358-4940

**LEELANAU COUNTY GRAND TRAVERSE BAND  
OF OTTAWA/CHIPPEWA INDIANS**

Prosecutor: Diedre Kelley  
(231) 271-3538  
Advocate: Cindy Fricke  
(231) 271-3538

**SAGINAW CHIPPEWA TRIBE**

Supervisor: Honorable Bruce Havens  
(989) 775-4810  
Advocate: Gwen Riley  
(989) 775-4810

## CITY VICTIM ADVOCATES

**CITY OF FLINT**

City Attorney: Karen McDonald-Lopez  
(810) 766-7146  
Advocate: Colette Salgat  
(810) 766-8994

**CITY OF KENTWOOD**

City Attorney: Jeff Sluggett  
(616) 459-9487  
Advocate: Sharon Haner  
(616) 554-0825

## MICHIGAN STATE POLICE POSTS

POST NO.	POST	ADDRESS	ZIP CODE	AREA CODE	PHONE
42	Adrian	222 N. Adrian Highway, Adrian	49221	517	263-1350
74	Alpena	2160 S. State Ave., (US-235), Alpena	49707	989	354-4101
	Atlanta Concept	P.O. Box 501, Alpena	49709	989	785-2564
33	Bad Axe	675 S. VanDyke, Bad Axe	48413	989	269-6442
57	Battle Creek	610 W. Columbia Ave., Battle Creek	49015	616	968-6115
31	Bay City	405 N. Euclid Ave., Bay City	48706	989	684-2235
37	Bridgeport	6280 Dixie Highway, Bridgeport	48722	989	777-3700
54	Bridgman	9301 Red Arrow Highway, Bridgman	49106	616	465-6525
12	Brighton	4803 Old US-23, Brighton	48116	810	227-1051
	Bruce Crossing	P.O. Box 128, Bruce Crossing	49912	906	827-3786
76	Cadillac	7711 S. US-131, Cadillac	49601	616	779-6040
90	Calumet	230 Rockland St., Calumet	49913	906	337-5145
16	Capitol	504 Allegan, Lansing	48913	517	373-2836
39	Caro	120 Millwood St., Caro	48723	989	673-2157
72	Cheboygan	1206 S. Main St., Cheboygan	49721	616	627-9974
59	Coldwater	186 E. State St., Coldwater	49036	517	278-2373
29	Detroit	Executive Plaza Bldg., 1200 Sixth St., Detroit	48226	313	256-2990
32	East Tawas	410 N. US-23, East Tawas	48730	989	362-3435
35	Flint	G4481 Corunna Rd., Flint	48532	810	732-1111
73	Gaylord	563 S. Otsego, Gaylord	49735	989	732-5141
85	Gladstone	922 Lake Shore Dr., Gladstone	49837	906	428-4412
40	Gladwin	1302 Chatterton, Gladwin	48624	989	426-3068
64	Grand Haven	1622 S. Beacon Blvd., Grand Haven	49417	616	842-2101
27	Groveland Team	14645 Dixie Highway, Holly	48442	248	634-4882
66	Hart	3793 W. Polk Rd., Hart	49420	616	873-2572
58	Hastings	907 W. State St., Hastings	49058	616	948-8283
	Honor Concept	11508 Main Street, Honor	49640	231	325-2885
75	Houghton Lake	9011 W. Lake City Road, Houghton Lake	48629	989	422-5103
68	Ionina	3140 S. State Rd., Ionina	48846	616	527-3600
86	Iron Mountain	N. US-2, Iron Mountain	49801	906	774-2122
92	Iron River	897 Lalley Rd., Iron River	49935	906	265-2034
14	Ithaca	1876 N. State Rd., Ithaca	48847	989	875-4112
17	Jackson	3401 Cooper St., Jackson	49204	517	780-4580
19	Jonesville	476 E. Chicago Rd., Jonesville	49250	517	849-9922
79	Kalkaska Team	Kalkaska Governmental Center, 2089 N. Birch St., P.O. Box 127, Kalkaska	49646	616	258-4112
67	Lakeview	Howard City-Edmore Rd., Rte. #1, Lakeview	48850	989	352-8445
88	L'Anse	P.O. Box 100, L'Anse	49946	906	524-6162
11	Lansing	7119 N. Canal Rd., Lansing	48913	517	322-1907
38	Lapeer	975 S. Main St., Lapeer	48446	810	664-2906
	Lewiston Concept	4358 Hansen St., Lewiston	49756	989	786-5280
77	Manistee	212 Arthur St., Manistee	49660	616	723-3536
84	Manistique	US-2, Manistique	49854	906	341-6218
21	Metro North	14350 Ten Mile Rd., Oak Park	48234	248	584-5740
25	Metro South	12111 Telegraph Rd., Taylor	48180	734	287-5000
	Mio Concept	P.O. Box 928, Mio	48647	989	826-2316
28	Monroe	300 Jones Ave., Monroe	48161	313	242-3500
63	Mt. Pleasant	3580 S. Isabella, Mt. Pleasant	48858	989	773-5952
91	Munising	Rte., #1, Box 445, Munising	49862	906	387-4551



POST NO.	POST	ADDRESS	ZIP CODE	AREA CODE	PHONE
81	Negaunee	180 US-41 East, Negaunee	49866	906	475-9922
65	Newaygo	360 Adams, Newaygo	49337	616	652-1662
82	Newberry	Rte. #1, Box 983, Newberry	49868	906	293-5152
53	Niles	1001 S. 11th St., Niles	49120	616	683-4411
	Ontonagon Team	105 River Rd., P.O. Box 235, Ontonagon	49953	906	884-6250
15	Owosso	4051 S. M-52, Owosso	48867	989	723-6762
51	Paw Paw	43255 60th Ave., Paw Paw	49079	616	657-5551
78	Petoskey	1200 M-119, Petoskey	49770	616	347-8102
62	Reed City	825 S. Chestnut St., Reed City	49677	616	832-2222
24	Richmond	36725 Division Rd, Richmond	48062	810	727-0200
61	Rockford	345 Northland Dr., NE, Rockford	49341	616	866-4411
	Rogers City Concept	555 N. Bradley St., Rogers City	49779	989	734-2204
93	Sault Ste. Marie	3900 I-75 BR, Sault Ste. Marie	49783	906	632-2217
	Second District				
	Regional Dispatch	1050 Sixth St., Detroit	48201	313	237-2450
83	St. Ignace	901 Graham Ave., St. Ignace	49781	906	643-7582
34	Sandusky	90 W. Sanilac, Sandusky	48471	810	648-2234
55	South Haven	720 LaGrange St., South Haven	49090	616	637-2126
89	Stephenson	W5420 CR 354, Stephenson	49887	906	753-2276
71	Traverse City	218 W. 14th St., Traverse City	49684	616	946-4647
87	Wakefield	100 Sunday Lake St., Wakefield	49968	906	229-5372
56	Wayland	544 N. Main St., Wayland	49348	616	792-2213
36	West Branch	496 E. Houghton, West Branch	48661	989	345-0956
52	White Pigeon	15038 US-12, White Pigeon	49099	616	483-7612
26	Ypsilanti	1501 Huron St., Ypsilanti	48197	313	482-1213

**To obtain victim notification and information regarding prisoners, write to:**

Michigan Department of Corrections  
 Central Records Office  
 P.O. Box 30003  
 Lansing, MI 48909

---

## VICTIM ASSISTANCE GROUPS

---

**For additional information, including victim assistance groups in your area, write or call:**

---

**Crime Victim Services Commission**

Lewis Cass Building  
320 South Walnut Street  
Lansing, MI 48913  
517-373-7373

---

**Michigan Self-Help Clearing House**

106 West Allegan, Suite 300  
Lansing, MI 48933  
517-484-7373

---

**Parents of Murdered Children (POMC)****Chapters:**

*Southeast Michigan*  
P.O. Box 480631  
New Haven, MI 48048  
248-360-9629

*Central Michigan*  
Muriel Kirby  
2522 Wyckham  
Lansing, MI 48906  
517-321-6863

*Saginaw County*  
Virginia Garcia  
1924 Williamson  
Saginaw, MI 48601  
989-754-7339

*Genesee County*  
Nancy Werbe, 810-742-2617  
Lee May 810-686-3410

*West Michigan*  
Danni Smith  
725 Bowes Road, #B8  
Lowell, MI 49331  
616-897-2544

---

**Prosecuting Attorneys Coordinating Council**

Victim Witness Forum  
116 West Ottawa  
Lansing, MI 48913  
517-334-6060

---

**Students Against Driving Drunk (SADD)**

Pam Voss-Page, Director  
810-264-1700

---

**Survivors of Lost Loved Ones (SOLLO)**

12751 Mark Twain  
Detroit, MI 48227  
Clenora Byes 313-838-9689  
Gail Beasley 313-331-8583

---

**Council Against Domestic Abuse**

P.O. Box 14149  
Lansing, MI 48901  
517-372-5572

---

**Missing Children Network**

Jan Rott  
1600 Military St., A1  
Port Huron, MI 48060  
810-984-2911

---

**Alliance Against Violence and Abuse**

906-789-9207

---

**Alternatives for Girls**

313-964-5450

---

**Aware, Inc.**

517-783-2861

---

**Caring House, Inc.**

906-774-1337

---

**Child Abuse & Neglect Council**

248-332-7173

---

**Crime Victim Advocacy Council**

P.O. Box 30015  
Lansing, MI 48901-0015  
517-341-2228

---

**DIAL HELP**

906-482-9930

---

**REACH Program**

810-233-8700

---

**Relief After Violent Encounter**

989-224-4662

---

**Victim Advocacy Group**

810-766-8994

# Crime Prevention

## HOW TO AVOID BECOMING A VICTIM OF CRIME

The best way to control crime is to avoid the opportunity for crime. The cliché is true: “An ounce of prevention is worth a pound of cure.” Here are some measures that you and your family can take to reduce the likelihood of becoming a victim of crime.

### Criminal Sexual Conduct

This crime represents one of the most brutal and devastating attacks on a person that can be imagined. Any woman, man, girl, or boy could be a victim of a sexual assault.

Several very frank things must be said. Rape does occur. But, if there is no report to the police, the criminal will not go to court . . . justice will not be done.

Among the many things that you must understand about the crime of sexual assault is that there are many forms of this crime.

Rape is the most frequently talked about type of sexual assault. It is an assault in and of itself which may also take place before or after a crime like armed robbery or breaking and entering.

Rape is not the only kind of sexual assault. However, this is the type the average woman fears most. Also, this is the type the average police officer expects to deal with most frequently.

All women and men must be aware that there is a series of crimes called criminal sexual conduct. Some variations of sexual assault may include:

Sexual intercourse by a stepfather with a stepdaughter who is less than 16 years old, even if there is apparent consent, is criminal sexual conduct in the first degree.

Sexual intercourse by a father or brother with a daughter or sister who is less than 16 years old, even if there is apparent consent, is criminal sexual conduct in the first degree.

Sexual intercourse between any adult and any minor age 13 or under, with consent or not, is criminal sexual conduct in the first degree.

The crime of criminal sexual conduct has degrees of severity depending upon the circumstances of the offense. But, the crime of sexual conduct in the first degree has a maximum penalty of life imprisonment.

### Safety From Rape

The techniques and methods of prevention and protection can be summarized into a series of ideas by utilizing the very appropriate word: SAFE. Each letter in the word relates to a significant area of prevention and protection.

#### SECURITY:

1. All doors and windows should be locked.
2. When a home is unoccupied, make it appear as if it is attended.
3. If a woman lives alone, she should never advertise the fact that she does.

4. When answering the door, check the caller through a door viewer and always ask for adequate identification.
5. When answering the telephone, never admit to being alone in the house.
6. Do not hide keys outside of your home.
7. Keep the entry way to your home well lit at night.
8. Have house keys ready to unlock the door as soon as you reach it.
9. Emergency numbers to police and fire departments should be kept near the telephone.

*As for the car, the following precautions should be observed:*

1. Have car keys ready to unlock the door as soon as you reach it.
2. Always keep door locked—whether you are in your car or out of it.
3. When returning to the car, always check the rear seat of the car.
4. Always park in well-lighted areas, and close to buildings.
5. Keep your car in good running condition.
6. If your car breaks down, put on emergency flashers and wait for help. **DO NOT LEAVE YOUR CAR.** When help arrives, ask that a wrecker, police, or other emergency vehicle be sent—**NEVER GO WITH A STRANGER.**
7. When parking your car in a pay lot where the attendant requires the car key, leave only that key and not the entire chain with the house keys on it.
8. **NEVER PICK UP HITCHHIKERS.**

#### AVOID:

1. Avoid dangerous situations and places.
2. Common sense dictates that anyone should avoid dark, isolated places.
3. Wait for a bus, taxi, etc. in a well-lit and populated area.
4. Let friends or family know where you are going and when they may expect your return.
5. Nearly half of all rapes are of the acquaintance type. Be aware of the danger of blind dates or of being alone with a date on the first meeting.
6. If leaving a business or meeting for the evening, women should escort each other to their respective automobiles—or even better, participate in a car pool.
7. Never undress in front of a window.

#### FLEE:

1. If being followed in a car, drive to the nearest area where there is activity and light.

2. If on foot, run to such a place.
3. If the follower is in a car and the woman on foot, flee in the opposite direction the car is going to slow pursuit.
4. Active resistance while fleeing is an option. Scream, yell, and tell the potential rapist to stop following. It is a good idea to carry a whistle.

### ENGAGE:

If a woman is attacked in an area where her screams can be heard, where she can run for help or where she can attract attention, then she can, at the initial point of attack, attempt to defend herself through a defensive counterattack using tactics such as a kick to the groin, instep or shin, or an upward punch into the nose with the heel of the hand. These tactics may gain valuable seconds needed so she can run to safety or attract help. However, these tactics may result in more vigorous action by the attacker. There are many other self-defense moves which a woman can learn in any class on defensive tactics. If the attacker is armed, active defense may result in more serious attack.

In conclusion, to minimize the risk of being raped, women need to make themselves less vulnerable. They must become aware of the realities of rape, that all women are potential victims. Observe safety precautions, project an aura of confidence and strength, be wary, know how to defend yourself, and be prepared to respond aggressively. ♦

## Protection Of Property

It is a popular myth that if a burglar wants to break into your home, he or she will do it, no matter what you have done to prevent it. Both professional burglars and police experts disagree. They say that if you make entry hard for the household burglar, the burglar will go next door.



Unknown to many citizens, many routine practices of the homeowner often assist the burglar. For example, an estimated 20% of all breaking and entering cases occur because people simply leave their doors unlocked.

Adopting a more thoughtful and protective attitude can reduce burglary. The investment in time and money is small compared to the protection afforded.

Here are some hints for safeguarding your home:

1. If you are moving to a new home, do not give keys to strange contractors or servicemen. Keys are easily duplicated.
2. Valuables should be out of the way. Expensive jewelry ought to be in a safe deposit box.
3. When leaving home, do not leave the garage door open. An empty garage is visible to all, and an invitation to the law breaker. Daytime robberies are common.

4. If you are going out at night, leave a light on in the bathroom. This is not a guarantee, but it wards off some prowlers.
5. Do not forget to inform the police that you are going on vacation and for how long. Tell a trusted neighbor, too.
6. Do not pull down shades or blinds when away on vacation. Preserve the normal appearance of the house.
7. Make sure that newspapers and mail do not accumulate on the front porch.
8. When retiring for the night, lock the door and use a chain lock. Burglars say that snapping a chain is not difficult, but the resulting noise could attract attention.
9. Stash your trash. A garbage can that has been empty for days is another sign that no one is home.
10. Make noise—no sign of sound or life, especially in an apartment, is an invitation to enter. You can attach a timer to a radio.
11. Arrange to have the grass cut. An unkempt lawn is often a giveaway that you are not at home.
12. Leave a house key with a trusted neighbor. The neighbor can check periodically to see if there has been an attempted entry or an actual one.
13. The best protection against theft is a good lock. Most homes have spring locks on their doors, the kind that locks when you close the door, without using a key to lock it on the outside. A burglar can open it with a plastic credit card.
14. A dead bolt lock, preferably a drop bolt (the kind you lock from the outside after the door is shut) is the most effective lock. Add a high security cylinder (the part that goes on the outside of the door) and you will send most burglars elsewhere.
15. Protect the side and back doors as carefully as the front. These are the doors most burglars try first, especially if they are hidden from the street. A strong slide or barrel bolt makes an effective closing for a secondary door; a chain lock does not.
16. When installing an air conditioner or a window fan, take extra precaution that the window is sealed tightly and that the fan or air conditioner cannot be pushed in from the outside.
17. If you have a door with windows, a double key cylinder lock is good because it must be opened from the inside as well as the outside with a key.
18. Lock windows. Newer windows come equipped with fairly good locking devices. If you own an older home with lockless wooden sashes, you can make them more secure by drilling a continuous hole at a slant through the top and bottom sashes where they meet in the middle of the window. Don't drill all the way through . . . there should be no evidence of the hole from the outside. To lock the window, drop a strong nail into the hole. The window cannot be lifted from the outside. ♦



## Con-Artists: Fraud



Every day, people are bilked out of large amounts of money because of a failure to think logically. Follow the rules below and you will avoid losing your life savings to a con-man:

1. Beware of “get rich” schemes.
2. Never entrust large sums of money to another person for investment, unless that person is a reputable stockbroker, etc.
3. Check any investment opportunity you have questions about with your local consumer protection agency or Better Business Bureau.
4. Be wary of high pressure sales people, door-to-door sales, or telephone solicitation.
5. Check solicitors for charity to ascertain that they are legitimate. ♦

## Auto Theft

Prior to 1986, Michigan was the number one state for auto theft. In response to this problem, the Legislature enacted the Michigan Automobile Theft Prevention Act (MATPA). This act sets up the Automobile Theft Prevention Authority which is funded by a \$1.00 fee added to all passenger vehicle insurance. The Authority sponsors various task forces around the state and encourages awareness of the problems of auto theft. Since 1987, auto theft has gone down 16% in Michigan, while the national average has gone up over 50%. Michigan’s legislation has become a model for auto theft reform across the country. Since the enactment of the MATPA, Michigan has gone from the number one state in auto theft to the eleventh state.

The cost of auto theft is still very high. Nationally, the cost is \$8.8 billion, and in Michigan it is \$480 million. Even considering inflation, officials have concluded that thieves are stealing quality as well as quantity.

### WHAT CAN I DO TO STOP CAR THEFT?

1. Park in a lighted spot whenever you can. Thieves would much rather attack a car in a darkened area where they are less likely to be spotted.
2. Close all windows and lock all doors. Police officers say far too many car owners leave their cars unlocked while they run into a store for “just a minute.” But that brief period is all the time it takes for an alert thief to make off with your auto.
3. Keep costly items out of sight and locked up. There’s nothing more tempting to a would-be thief than to spot a collection of gift-wrapped packages, newly cleaned clothes, or expensive sporting goods lying in plain sight in your car. Put them in the trunk where they can’t be seen. That goes for cell phones, too.
4. Take the ignition keys with you! This continues to be one of the most commonly reported explanations for how cars are stolen, say police officers and insurance agents. **LOCK IT AND POCKET THE KEY.**

### WHAT ABOUT ONE OF THOSE ANTI-THEFT DEVICES?

There is no such thing as a “theft-proof” car. But, those cars that have a theft device stand a better chance of not being stolen.

1. Headless door locking devices—these simply replace the manufacturer’s door locking device with a solid metal headless device which prevents the door lock from being opened with a coat hanger . . . a common instrument used in opening locked cars.
2. Push button hood lock—locks the hood and automatically disables the ignition. The car will not start; cannot be hot wired; and prevents gaining entrance to the engine compartment.
3. Complete electronic alarm system—includes hood lock which disables ignition system; motion detector, which sounds a siren or flashing light if vehicle is tampered with; a panic switch, which can be activated anytime for emergency purposes.
4. Gas line cutoff switch—toggle switch concealed under dash of car. When activated it stops the flow of gas from the tank to carburetor. Not as effective as other devices because the car can be started with gas left in the carburetor and run for a short period of time.

For those mechanically inclined, a do-it-yourself tip: Remove the ignition coil wire and rotor cap when you park your car. Without these there is no way the car can be started unless the thief has an identical set handy to replace them. ♦

## Operation Identification

## WARNING

### *Crime Reporting And Operation Identification In Use By This Neighborhood.*

The greatest risk to a thief is the risk of being caught in the act. A lesser but still recognized risk is being caught with stolen property. If the thief leaves the scene of a crime carrying evidence of a crime, he or she will also be carrying the fear of being caught. Because mass-produced assembly line appliances and products look identical, a police officer may question a thief about the items in the back seat of the car, but have no evidence that these items were actually stolen. If one item has been inscribed with a driver’s license number, the officer can put a call into the computer and find out whose license number it is. This in itself may be grounds for detaining the suspect. No burglar wants to carry that risk in the back seat of his or her car.

The Operation Identification stickers on windows and doors tell a burglar that you are concerned about protecting your belongings. If you have taken the time to mark your valuables, the thief may assume that you have taken other security measures as well. To the burglar, this means an increased risk.

Your township or city police department can provide you with electric inscribers, window stickers, registration cards and instructions. Inscribers and scribing tools can also be purchased at most hardware stores.

### How To Join

Your local law enforcement agency can provide you with electric inscribers, window stickers, registration cards and instructions.

### What To Mark

All items that might be attractive to a thief. Smaller items such as watches and photographic equipment can be neatly engraved by a jeweler without detracting from the cosmetic value.

### Where To Mark

It's best to mark your belongings in a prominent place where the marking will be both readily visible and difficult to cover or remove without the attempt being obvious.

Stereo components, television sets, radios, and other electronic equipment can be prominently marked on the chassis or case at the rear.

Engines and body parts of power driven equipment such as riding mowers and snowmobiles are frequently swapped to reduce the risk of identification. Mark both the engine and frame.

### Keep An Inventory

Make a record of your belongings including descriptions, serial numbers, and location of Operation Identification markings.

### Inventory

#### In Case Of Loss Or Theft

Every year, millions of dollars worth of recovered, lost, or stolen property is auctioned off by law enforcement agencies across the country. The problem: lack of identification. When unmarked stolen property is recovered outside the area in which the theft occurred, the chance of having it traced back to you is extremely small! Operation Identification allows state and national law enforcement computer networks to trace it in a matter of seconds.

When reporting a loss or theft, be sure to mention that your belongings were marked with your driver's license number and describe where the marking is located on each item.

## Neighborhood Watch

The Neighborhood Watch Program establishes an informal network for concerned citizens to communicate with other neighbors and police regarding crime-related problems. Simply translated, Neighborhood Watch asks us to be the eyes and ears of the police departments, to be more involved with our neighbors and their property by becoming more aware and alert to the activity on our own block.

*Good Neighbors Must:*

#### • Be Alert

You and your neighbors can prevent car theft, burglary, vandalism, and children's entry into vacant houses. The chances of these and other crimes taking place in your neighborhood can be lowered and possibly eliminated, if you and your neighbors agree to keep watch over each other's property.

#### • Be Cooperative

Talk to your neighbors about the many advantages of a Neighborhood Watch Program for your block. Take time now—before crime strikes—to show your concern for neighborhood safety.

#### • Be Organized

Ask a consultant from your township or city police department to help your block club, business association or group of interested neighbors set up an official Neighborhood Watch Program. You will get clear, simple and detailed instructions on how to relay information to the police and tips on protection for yourself and your property.

#### • Be Aware

Know your neighbors' normal routines, such as their work or vacation schedules. Burglars, mistaken as professional movers, have openly carried off valuable possessions. If neighbors haven't mentioned moving, be suspicious. Watch for movement inside a home that should be empty, strange cars or trucks in a driveway, loiterers, and other suspicious activity.

#### • Be Responsive

Using the Neighborhood Watch system, immediately call the police when you see a crime in action or a suspicious character lurking in the neighborhood. Report the person's description and the license number of an unfamiliar vehicle. ♦

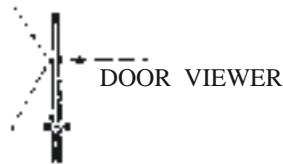
# Arson

Arson is the fastest growing crime in the country. This statistic is alarming for several reasons. Arson not only results in loss of life, but also accounts for tremendous losses in money and jobs. Furthermore, arson is particularly damaging to our cities as it destroys the tax base. Additionally, like all crimes, arson results in medical and psychological costs that are immeasurable.

There are several measures neighborhood residents can take to prevent arson. Vacant buildings, schools, businesses and construction sites are common arson targets. By keeping an eye on these potential fire areas, citizens can aid the fire and police departments. Also, newspapers, paint, rags and trash lying around your property are potential arson tools. By cleaning up your property, residents can reduce the temptation to an arsonist.

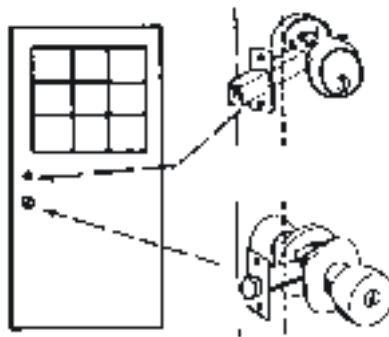
Urban arson is a serious threat to America's cities and a concentrated effort is necessary to stop arson. An informed and alert neighborhood can be one of the most effective tools in fighting arson. ♦

# Appendix



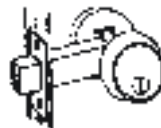
**AUXILIARY DEADLOCK** - 1" dead bolt, double cylinder with hardened cylinder guard.

If glass is within 40" of the locking hardware, a double cylinder dead bolt should be used.



A **DEADLATCH** is an inexpensive and attractive addition to your existing knob-lock set which keeps the burglar from simply slipping your door open with a credit card. This method of entry is common in many areas but very easy to prevent.

The deadlatching device may be purchased separately and will interchange with the spring latch without replacing the entire lock set.



**AUXILIARY DEADLOCK** - 1" deadbolt and double cylinders with hardened cylinder guards. If the double cylinder dead bolt is locked when the house is occupied, a key should be left in the inside keyhole as a means of fast exit in case of fire. Always remove the key when leaving home.

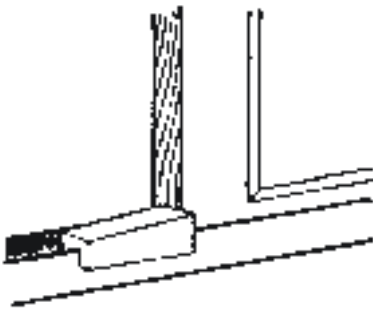


**WINDOWS**

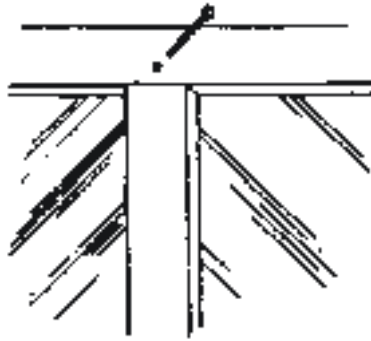
Because windows by definition contain large sections of glass, they naturally impose a great security problem. Windows most vulnerable to attack are those situated on the first floor (or otherwise accessible from the ground), and windows leading to fire escapes. Less vulnerable, but still easily reached, are windows located over a canopy (as above a main entrance), and windows located on the top floor of a building that can be reached from the roof. One way to protect windows is by using unbreakable, transparent polycarbonate materials which look like glass but are very difficult to break. However, this material is quite expensive and, therefore, not usually found in private residences.

There are many manufactured products available for securing windows; here are some suggestions.

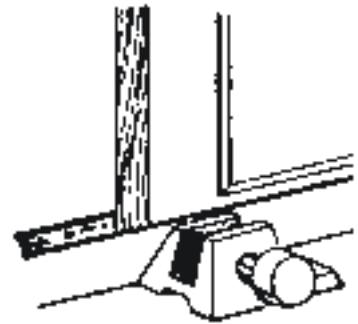




ANTI-SLIDE BLOCK

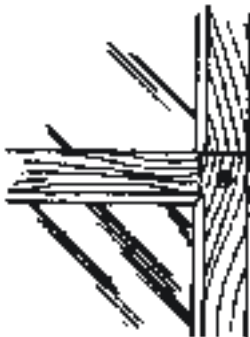


PINNED WINDOW

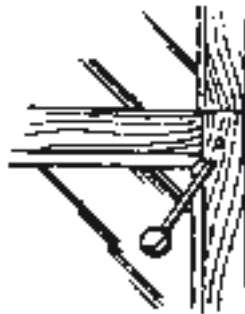


SLIDE BOLT

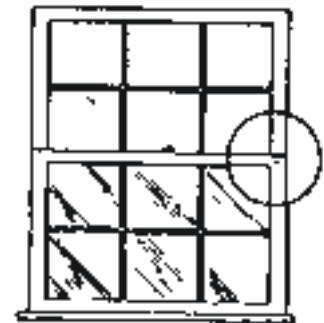
**DOUBLE HUNG WINDOW** latches may be jimmied open. If the window is not used, screw it shut (except for bedrooms). For windows in use, drill a downward sloping hole into the top of the bottom window through and into the bottom of the top window and insert a pin or nail.



SCREW

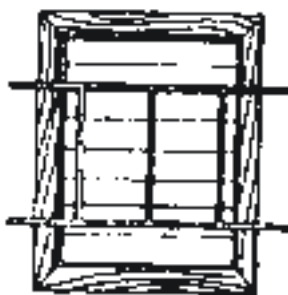


PIN

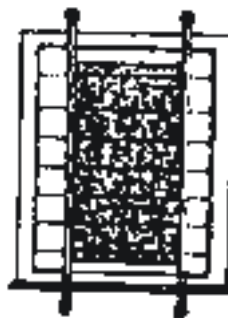


DOUBLE HUNG

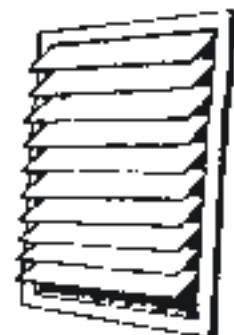
**LOUVRE WINDOWS** are bad security risks. Remove and replace with solid glass or other type of ventilating window. Or protect with a grate or grille (except bedrooms).



GRILLE



GRATE



LOUVRE WINDOW

Another good security measure is the use of ornamental iron gates and fencing for ground-level entrances and yard protection. ♦

## HOME SECURITY CHECKLIST

Use this checklist to pinpoint the strong points and weak points in the security of your home or apartment. Be sure to arrange for a trained crime prevention specialist from your local law enforcement agency to conduct a thorough survey of your residence. Then compare your findings with those of a professional.

	Strong Point	Weak Point
<b>Front Entrance</b>		
1. Is the door itself of metal or solid wood construction?	Yes _____	No _____
2. Is the door frame strong enough and tight enough to prevent forcing or spreading?	Yes _____	No _____
3. Are door hinges protected from removal from outside?	Yes _____	No _____
4. Are the doors free of windows or are windows farther than 40 inches from the locks?	Yes _____	No _____
5. Are the door locks adequate and in good repair?	Yes _____	No _____
6. Are strikes and strike plates adequate and properly installed?	Yes _____	No _____
7. If there are no windows in door, is there a wide-angle viewer or voice intercommunications device?	Yes _____	No _____
8. Is the lock too far to be reached from a mail slot, delivery port or a pet entrance?	Yes _____	No _____
9. Is there a screen or storm door with an adequate lock?	Yes _____	No _____
10. Is exterior or front entrance lighted with at least a 40-watt light?	Yes _____	No _____
11. Can the front entrance be observed from street or public areas?	Yes _____	No _____
12. Are porch or landscaped areas clearly visible from the street or public view?	Yes _____	No _____
<b>Side Or Rear Entrance</b>		
13. Is the door itself of metal or solid wood construction?	Yes _____	No _____
14. Is the door frame strong enough and tight enough to prevent forcing or spreading?	Yes _____	No _____
15. Are door hinges protected from removal from outside?	Yes _____	No _____
16. Are the doors free of windows or are windows farther than 40 inches from the locks?	Yes _____	No _____
17. Are the door locks adequate and in good repair?	Yes _____	No _____
18. Are the strikes and strike plates adequate and properly installed?	Yes _____	No _____
19. Is the lock too far to be reached from a mail slot, delivery port or a pet entrance?	Yes _____	No _____
20. Is the exterior of the doorway lighted by at least a 40-watt light?	Yes _____	No _____
21. Is the doorway visible from street or by neighbors' view?	Yes _____	No _____
22. Does the doorway have a screen or storm door with lock?	Yes _____	No _____
23. If the door is a sliding glass door, is the sliding panel secured from being lifted out of track?	Yes _____	No _____
24. Is the "charley-bar" or key-operated auxiliary lock used on sliding glass door?	Yes _____	No _____

	<b>Strong Point</b>	<b>Weak Point</b>
--	-------------------------	-----------------------

**Entrances From Garage And Basement**

- |  |           |          |
|--|-----------|----------|
| 25. Are all entrances to living quarters from garage and basement of metal or solid wood construction?           | Yes _____ | No _____ |
| 26. Does the door from garage to the living quarters have locks adequate for exterior entrance?                  | Yes _____ | No _____ |
| 27. Does the door from basement to the living quarters have an adequate lock operated from living quarters side? | Yes _____ | No _____ |

**Ground Floor Windows**

- |  |           |          |
|--|-----------|----------|
| 28. Do all windows have adequate locks in operating condition?                   | Yes _____ | No _____ |
| 29. Do all windows have screens or storm windows that lock from inside?          | Yes _____ | No _____ |
| 30. Do all windows open onto areas that are secure from risk of burglary?        | Yes _____ | No _____ |
| 31. Do windows that open to hazardous areas have security screens or grilles?    | Yes _____ | No _____ |
| 32. Are exterior areas of windows free from concealing structure or landscaping? | Yes _____ | No _____ |
| 33. Is the exterior adequately lighted at all window areas?                      | Yes _____ | No _____ |

**Upper Floor Windows**

- |   |           |          |
|---|-----------|----------|
| 34. Are upper floor windows secure if they open onto porch or garage roofs or roofs of adjoining buildings? | Yes _____ | No _____ |
| 35. If so, are they secured as adequately as if they were at ground level?                                  | Yes _____ | No _____ |
| 36. Are trees and shrubbery kept trimmed back from upper floor windows?                                     | Yes _____ | No _____ |
| 37. Are ladders kept in a secure location if outside the house?   | Yes _____ | No _____ |

**Basement Doors And Windows**

- |  |           |          |
|--|-----------|----------|
| 38. Is there a door from outside to the basement?                                | Yes _____ | No _____ |
| 39. If so, is that door adequately secure for an exterior door?                  | Yes _____ | No _____ |
| 40. Is outside basement entrance lighted by exterior light of at least 40 watts? | Yes _____ | No _____ |
| 41. Is basement door visible from street or neighbors?                           | Yes _____ | No _____ |
| 42. Are all basement windows adequately secured against entry?                   | Yes _____ | No _____ |

**Garage Doors And Windows**

- |  |           |          |
|--|-----------|----------|
| 43. Is the automobile entrance door to the garage equipped with adequate locking device?           | Yes _____ | No _____ |
| 44. Is the garage door kept closed and locked at all times?  | Yes _____ | No _____ |
| 45. Are garage windows secured adequately for ground floor windows?                                | Yes _____ | No _____ |
| 46. Is the outside utility entrance to garage as secure as required for any ground floor entrance? | Yes _____ | No _____ |
| 47. Are tools and ladders kept in a secure location?   | Yes _____ | No _____ |
| 48. Are all garage doors lighted on the outside by at least a 40-watt light?                       | Yes _____ | No _____ |

**- NOTES -**



